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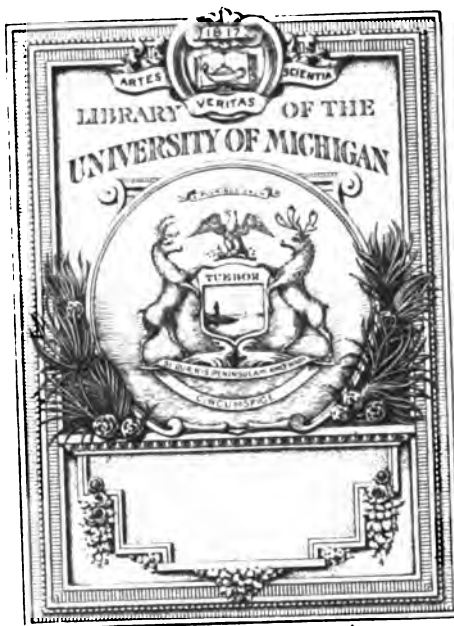
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LOCAL ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1887,
WITH AN APPENDIX.



BY AUTHORITY.

LANSING:
THORP & GODFREY, STATE PRINTERS AND BINDERS.
1887.

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1887
pt. 1

NOTE.—The words and sentences enclosed in brackets in the following acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

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[No. 318.]

AN ACT to legalize the assessment roll of the township of Port Austin, in the county of Huron, for the year eighteen hundred and eighty-six.

SECTION 1. *The People of the State of Michigan enact, That* the assessment roll of the township of Port Austin, in the county of Huron, and the taxes levied thereunder for the year eighteen hundred and eighty-six, as the same have been re-assessed upon a new roll replacing, or purporting to replace, the original roll of said township for said year, as made by the supervisor duly elected for said township for said year, be and the same hereby are legalized, and the taxes assessed upon such roll for the year eighteen hundred and eighty-six, and the collection thereof by the treasurer of said township of Port Austin, and all proceedings had and taken, or to be had and taken by the treasurer of said township of Port Austin in the collection or return of taxes upon such new or replaced roll, be and the same hereby are legalized; and that the said new or replaced assessment roll and the acts of the said township treasurer to be taken thereunder and by virtue thereof, are hereby declared to be as valid as though the proceedings heretofore had upon such new roll were as regular in every particular as if the said roll were the original assessment roll of said township for said year, assessed in due time according to statute, and duly passed upon and certified to by the township board of review of said township for said year, and duly equalized and certified to by the board of supervisors of said county for said year, and that the warrant of said township treasurer or any township treasurer duly appointed in his place, shall be as sufficient and legal for the purpose of the collection and return of said taxes so assessed as though it had been attached to the original, duly and legally certified in all respects as aforesaid.

Legalization of assessment.

Of proceedings of township treasurer.

Of warrant of township treasurer.

SEC. 2. The township treasurer of said township is hereby authorized and empowered to proceed and collect or return said taxes assessed upon said new or replaced roll as fully as he could upon the original roll duly certified in all respects as aforesaid, and to make his return to the county treasurer at any time before

Power and authority of treasurer.

Time of payment of taxes, collection fees, etc.

the twenty-fifth day of March, A. D. eighteen hundred and eighty-seven, and all taxes paid upon said roll to the township treasurer of said township before the first day of March, A. D. eighteen hundred and eighty-seven, may be paid by paying not more than one per cent collection fee, and all taxes paid upon said roll after the first day of March, A. D. eighteen hundred and eighty-seven, and before the return of said treasurer of uncollected taxes to the county treasurer, shall be liable to four per cent collection fee.

Transcript of unpaid taxes returnable, etc.

SEC. 3. A transcript of all unpaid taxes returnable to the county treasurer in pursuance of the foregoing provisions shall by him be returnable to the Auditor General within fifteen days after receiving said returns from treasurer, and such unpaid taxes shall then be collected in the same manner and with interest computed at the same rate as other taxes for the year A. D. eighteen hundred and eighty-six, duly returned to the Auditor General.

Attachment of certificate and warrant as evidence, etc.

SEC. 4. The usual certificate required by law to be attached to the assessment roll by the township supervisor, and the warrant to the treasurer so required to be attached shall, when attached to such new roll by the supervisor of said township, be sufficient evidence of the fact that such roll is the new roll contemplated in this act.

This act is ordered to take immediate effect.

Approved January 11, 1887.

[No. 319.]

AN ACT to authorize the township of Blissfield in Lenawee county to borrow money to be used in the construction of a bridge and to issue bonds therefor.

Authorized to borrow money and issue bonds.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Blissfield in Lenawee county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township a sum not exceeding four thousand dollars for a term not exceeding ten years at a rate of interest not exceeding seven per centum per annum and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Majority of voters shall determine at a special election.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township voting at a special election, to be called for the purpose of voting on said loan shall so determine, and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting, and object of said election to be stated in written

Notice thereof.

notices and by posting said notices in five public places in said township, not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

SEC. 3. The vote upon such proposition shall be by ballots Ballots, form of. either written or printed or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes;" and ballots against the same shall be in the following words: "For the bridge loan—No;" and it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open a sufficient number of ballots both for and against such proposition printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election Election, how conducted. shall be conducted and the votes canvassed in all respects as in other special township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election, said inspectors shall endorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk shall be by him filed with the clerk of said Lenawee county.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of an iron or wooden bridge or partly iron and partly wooden over and across the Raisin river on the site of the old iron bridge in the village of Blissfield, in the township of Blissfield in Lenawee county, and in constructing and grading the approaches thereto, and for no other purpose whatever, and in case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year, but no more than one thousand dollars of such principal shall be made to become due in any one year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due on presentation to him of the proper bond. Money, how expended. Assessment and collection of taxes.

This act is ordered to take immediate effect.

Approved January 19, 1887.

[No. 320.]

AN ACT to amend sections two and three of act number two hundred and nine of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Capac," approved March twelve, eighteen hundred and seventy-three.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections two, three and four of act number two hundred and nine of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Capac," approved March twelve, eighteen hundred and seventy-three, be amended so as to read as follows :

Time and place
of first election.

SEC. 2. The male inhabitants of said village having the qualification of electors under the constitution of the State shall meet at the town hall in said village on the second Tuesday of April next, at nine o'clock in the forenoon, at which time and place there shall be chosen, *viva voce*, by the qualified electors there present, from among their number, two judges and one clerk of said election, who together shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths that he will faithfully and impartially discharge the duties thereof, and the said board shall conduct the said election as provided in section four of this act; at which election the following officers of the corporation shall be elected by a plurality of votes by ballot from among the qualified electors of said village, namely, one person to be president of said village, and three persons shall in like manner be elected trustees for one year, and three for two years, and annually thereafter on the first Tuesday of March a president shall be elected, as aforesaid, who shall hold his office for one year, and three trustees shall be elected who shall hold their offices for two years, and there shall also be elected one marshal, one recorder, one treasurer, one assessor and one street commissioner who shall hold their offices one year and until their successors are elected and qualified; but if an election of the aforesaid officers shall not be made on the day when pursuant to this act it ought to be made, the said corporation for that cause shall not be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election. The president and trustees thus elected shall constitute the village board, and the majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect, from their own number, a president *pro tempore* [*pro tem.*], who shall have all the powers and perform all the duties of president.

Board of
inspectors.

Officers and
terms of office.

Village board.

President.

SEC. 3. The president and all the other officers elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation which may be administered by the president, any trustee or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the recorder; and it shall be the duty of the president and trustees, on their being duly qualified, to appoint one health officer, one fire warden, and they may appoint an attorney and such other officers for said village as they may deem necessary for the maintenance and preservation of the peace, order or public property of said village. Said officers so appointed shall hold their offices for one year unless sooner removed by the common council.

Oath of office.

Officers appointed.

SEC. 4. It shall be the duty of the recorder to attend all meetings of the board, keep a fair and accurate record of their proceedings, and perform such other duties as shall be assigned him by the by-laws and ordinances of the village. It shall also be his duty to give at least ten days' notice of the time and place of holding an election either by posting written or printed notices in three of the most public places in said village, or by causing the same to be published in some paper published in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted and a true statement thereof proclaimed to the electors present, and the recorder shall make a true record thereof and within five days give notice to the persons elected, who shall enter upon the discharge of their duties the ensuing Monday.

Duties of recorder.

Notice of elections.

Opening of polls, etc.

Canvass.

This act is ordered to take immediate effect.

Approved January 28, 1887.

[No. 321.]

AN ACT to amend sections four and six of chapter five, and section five of chapter twenty-two, of an act entitled "An act to incorporate the city of Manistee," approved March fifteenth, eighteen hundred and eighty-two.

SECTION 1. *The People of the State of Michigan enact, That* sections four and six of chapter five, and section five of chapter twenty-two, of act number forty-eight, of the local acts of eighteen hundred and eighty-two, entitled "An act to incorporate the city of Manistee," approved March fifteenth, eighteen hundred and eighty-two, be and the same are hereby amended so as to read as follows:

Sections amended.

CHAPTER V.

Appointments
to office when
made.

SEC. 4. Appointments to office by the council, except appointments to fill vacancies, shall be made on the third Tuesday of April in each year, but appointments which, for any cause, shall not be made on that day, may be made at any regular meeting of the council.

Terms of office.

SEC. 6. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the third Tuesday of April next after such appointment, and until their successors are legally qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act, or in the ordinance creating the office.

CHAPTER XXII.

Survey of
streets, alleys,
etc., and record
of same.

SEC. 5. The council may cause all public streets, alleys, and public grounds to be named, re-named, and surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the city clerk, in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, named, re-named, altered, extended, or accepted and confirmed by the council to be recorded in like manner, and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing, vacating, naming, or re-naming any street, alley or public ground, shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all the matters therein set forth.

Ordinances
relative to
streets, etc.,
to be recorded,
etc.

This act is ordered to take immediate effect.

Approved January 28, 1887.

[No. 322.]

AN ACT to re-incorporate the village of Chase in the county of Lake.

Territory
re-incorporated.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country situated in town number seventeen north, of range number eleven west, in the county of Lake, and described as follows, to-wit: The west one-half ($\frac{1}{2}$) of the southeast quarter of section number four, the southwest quarter of section four, the east one-half of southeast quarter of section number five, the east one-half of northeast quarter of section eight, the northwest quarter of section nine, and the west one-half of northeast quarter of section nine, in said township, be and the same is hereby made and constituted a village corporate by the name, style, and title of "The Village of Chase."

SEC. 2. The officers of said village now in office, shall continue in office with the powers and duties conferred respectively by this act of re-incorporation, until their successors shall be elected and qualified. Officers to continue in office.

SEC. 3. All the ordinances and by-laws of said village of Chase, that are not in conflict with the general laws relating to the incorporation of villages herein referred to, shall be and remain in full force and effect until repealed by the council of said village. Ordinances, etc., to continue in force.

SEC. 4. The first election of village officers under the provisions of this act shall be held in such village, at such place as the council thereof shall designate, on the second Monday of March, in the year of our Lord eighteen hundred and eighty-seven, and the polls of such election shall be opened at the time, and such election shall be held and conducted in all respects not herein otherwise provided, as provided in the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting as provided by law for the registration of voters in incorporated villages. The board of registration shall for the first election be composed of the clerk of such village and two trustees thereof to be chosen by the council of such village. First election. Board of registration.

SEC. 5. Notice of the first election shall be given by the clerk of said village by posting a notice thereof, reciting the officers to be chosen, in three or more public places in said village at least eight days before such election. Such notices may be either written or printed. Notice of election.

SEC. 6. The said village of Chase is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts supplementary and amendatory thereto. The said village as re-incorporated shall possess all the rights and property and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act. General law governing.

SEC. 7. All other acts relating to the incorporation of the village of Chase are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved January 28, 1887.

[No. 323.]

AN ACT to legalize the action of the board of supervisors of Ontonagon county in organizing the townships of Ironwood and Bessemer in said county, and to further legalize all acts of the officials of said townships, including all taxes and assessments, whether regular or special, since the organization thereof.

SECTION 1. *The People of the State of Michigan enact, That* the action of the board of supervisors of Ontonagon county, taken Board of supervisors, action of, legalized.

at a special meeting held at the office of the county clerk of said county September twenty-fifth, A. D. eighteen hundred and eighty-five, organizing the township of Bessemer in said county, and the further action of the board of supervisors of said county taken at a meeting thereof held on the eleventh day of December, A. D. eighteen hundred and eighty-five, organizing the township of Ironwood in said county, be and the same is hereby legalized and confirmed.

Township officers, etc., official acts of, legalized.

SEC. 2. The official acts of all the officers of said townships of Bessemer and Ironwood done in pursuance of the duties of their respective offices, be and the same are hereby legalized and confirmed.

Taxes, assessment and collection of, made valid.

SEC. 3. All taxes and assessments, regular or special, which have heretofore been assessed, levied, collected, or returned as delinquent to the Auditor General of the State of Michigan, within said townships of Bessemer and Ironwood, together with all tax and assessment rolls, regular or special, for the year A. D. eighteen hundred and eighty-six, are hereby made valid, ratified, and confirmed.

This act is ordered to take immediate effect.

Approved January 28, 1887.

[No. 324.]

AN ACT to repeal act number three hundred and eighty-two of the session laws of eighteen hundred and eighty-five, entitled "An act to organize the township of Ironwood, county of Ontonagon."

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and eighty-two of the session laws of eighteen hundred and eighty-five, entitled "An act to organize the township of Ironwood, county of Ontonagon," be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved January 28, 1887.

[No. 325.]

AN ACT to incorporate the village of Dryden in Lapeer county.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: The southwest quarter of section twelve, the southeast quarter of section eleven, the northeast quarter of section fourteen, and the northwest quarter of section thirteen, situated in town six north, range eleven east, county of Lapeer, be and the same is hereby constituted a village corporate, to be known as the village of Dryden.

SEC. 2. The first election of officers of said village shall be

held at Parker Brothers' drug store, in said village, on the second Monday in March, in the year of our Lord eighteen hundred and eighty-seven, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election.

First election
when and
where held.
Notice of
election.

SEC. 3. Thomas Williams, William Alcott, and Joseph Darwood, are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on Saturday next preceding said day of election, at said Parker Brothers' drug store, and remain in session the same hours required of the board of registration at general elections, and register the names of all persons residing in said village having the qualification of voters at annual township meetings. Due notice of such registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

Board of
registration.

Notice.

SEC. 4. The said village of Dryden shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

General law
governing.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two of this act, and notice given as provided by said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties.

Election may
be held at other
than time ap-
pointed.

This act is ordered to take immediate effect.

Approved January 31, 1887.

[No. 326.]

AN ACT to incorporate the village of Mayville, in Tuscola county.

SECTION 1. *The People of the State of Michigan enact, That all that territory situate and being in the township of Fremont, Tuscola county, and State of Michigan, and described as follows, to-wit: The north half of section thirty-six, and the south half of section twenty-five, both descriptions being in township eleven north, of range nine east, be and the same is hereby constituted a village corporate to be known as "The village of Mayville."*

Territory
incorporated.

SEC. 2. The first election of officers of said village shall be held on the third Monday in March, in the year one thousand

First election
when and where
held.

eight hundred and eighty-seven, at Bryant's Hall, in said village of Mayville, notice of which shall be posted in three public places in said village at least ten (10) days before the time of said election, which notice shall be signed by the board of registration hereinafter named and constituted.

Board of
registration.

SEC. 3. Arthur Veitch, Nicholas [R.] Schermerhorn, and Freeley J. Hopkins are hereby constituted a board of registration for the purpose of registering the names of voters for the first election to be held in said village. The said board of registration is [are] hereby required to meet at Bryant's Hall, in said village, on the Saturday next preceding the said third Monday in March, one thousand eight hundred and eighty seven, and register all persons presenting themselves for registration and having the qualifications of electors at township meetings. Notice of which meetings shall be posted in three public places in said village at least ten days before said meeting of said board of registration and shall be signed by the members of said board.

Notice.

General law
governing.

SEC. 4. The said village of Mayville shall in all things not herein otherwise provided, be governed and its powers and duties shall be defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and the amendments thereto.

Election may be
held at other
than time ap-
pointed.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be held at any time within one year from the time designated in section two of this act, on notice being given as provided in section two.

This act is ordered to take immediate effect.

Approved January 31, 1887.

[No. 327.]

AN ACT to incorporate the village of Brown City, in Sanilac county, Michigan.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being in the township of Maple Valley, county of Sanilac, and State of Michigan, to wit: the south half of section seven and the north half of section eighteen, in township nine north, of range thirteen east, is hereby constituted a village corporate, known and designated as the village of Brown City.

First election,
when and where
held.

SEC. 2. The first election of officers for said village shall be held on the second Monday in March, in the year eighteen hundred and eighty-seven, at the hardware store of Windsor Brothers, in said village.

Board of
registration at
first election.

SEC. 3. John Windsor, Jesse F. Holden and John Sherk are hereby constituted a board of registration for the purpose of

registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the hardware store of Windsor Brothers, in said village, on the Saturday preceding the second Monday in March, in the year one thousand eight hundred and eighty-seven aforesaid, to register the names of all persons, residents of said village, presenting themselves for registration, having the qualifications of voters at annual township meetings. And the said board of registration shall hold its subsequent meetings on the Saturday next preceding the second Monday of March in each year.

Meeting of board.

Subsequent meetings.

SEC. 4. Notice of said first election of officers for said village shall be posted in three of the most public places in said village at least eight days before the time of said election, which notice shall be signed by five electors of said village.

Notice of first election.

SEC. 5. The said village of Brown City shall, in all things not herein otherwise provided, be governed by, and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

General law governing.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be had at any time within one year from the time designated in section two of this act on notice being given as provided by section four of this act.

Elections may be held at other than time appointed.

This act is ordered to take immediate effect.

Approved February 3, 1887.

[No. 328.]

AN ACT to incorporate the village of Carsonville, in Sanilac county.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: The northwest quarter of section two (2), and the northeast quarter of section three (3), in town eleven (11) north, of range fifteen (15) east; also the southeast quarter of section thirty-four (34), and the southwest quarter of section thirty-five (35), in town twelve (12) north, of range fifteen (15) east, in the county of Sanilac, and State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Carsonville.

Territory incorporated.

SEC. 2. The first election of officers of said village shall be held on the third Monday of April, eighteen hundred and eighty-seven, at Carson's Hall, in said village, ten days' previous notice of which shall be given by the board of registration hereinafter designated, or any two of them, by posting such notice in three public places in said village.

First election, when and where held.

Board of
registration.

Meeting of.

Election may be
held at other
than time ap-
pointed.

General law
governing.

SEC. 3. J. A. Hosmer, Wm. Thompson and James McCarn are hereby constituted a board of registration, for the purpose of registering voters for the first election to be held in said village, and they are hereby required to meet on the Saturday preceding the time herein provided for holding the first election in said village, at Carson's Hall, in said village, and register the names of all persons residents of said village presenting themselves for registration, having the qualifications of voters at annual township meetings.

SEC. 4. If for any reason the said election shall not be held at the time hereinbefore specified, it may be held at any time within one year thereafter, by giving the notice above required.

SEC. 5. The said village of Carsonville shall, in all things not herein otherwise provided, be governed, and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

This act is ordered to take immediate effect.

Approved February 3, 1887.

[No. 329.]

AN ACT to amend section two of act number three hundred and twenty-one, of local acts of eighteen hundred and eighty-five, being "An act to organize the union school district of Salem," approved April eleven, eighteen hundred and eighty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two, of act number three hundred and twenty-one, of local acts of eighteen hundred and eighty-five, being "An act to organize the union school district of Salem," approved April eleven, eighteen hundred and eighty-five, be and hereby is amended so as to read as follows:

Powers con-
ferred.

SEC. 2. Said school district shall have all the powers conferred upon graded school districts by act number one hundred and sixty-four, public acts of eighteen hundred and eighty-one, and the acts amendatory thereof; and it is hereby provided that the first board of trustees of said school district shall be the following persons, whose names and terms of office are as follows, to wit: William Murray and Stephen C. Wheeler shall hold their said office respectively until the first Monday in September, eighteen hundred and eighty-five, and until their successors are elected and qualified; Samuel D. Frederick and Walter P. Holmes until the first Monday in September, eighteen hundred and eighty-six, and until their successors are elected and qualified; George S. Wheeler and Dwella E. Smith until the first Monday in September, eigh-

First board of
trustees.

Terms of office
of.

teen hundred and eighty-seven, and until their successors are elected and qualified.

This act is ordered to take immediate effect.

Approved February 3, 1887.

[No. 330.]

AN ACT to authorize the township of Deerfield in Lenawee county to borrow money to be used in the construction of a bridge, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact, That* the township board of the township of Deerfield, in Lenawee county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township, a sum not exceeding seven thousand dollars, for a term not exceeding ten years, at a rate of interest not exceeding seven per cent per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value. Authorized to borrow money.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township voting at the annual township election or at a special election, to be called for the purpose of voting on said loan, shall so determine; and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices, and by posting said notices in five public places in said township, not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed. If electors so vote.
Notice of election.

SEC. 3. The vote upon such proposition shall be by ballots, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes," and ballots against the same shall be in the following words: "For the bridge loan—No," and it shall be the duty of the said township board to provide at the polls of such election during the whole time while the same shall be open, a sufficient number of ballots, both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other special township elections, and immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election, said inspectors shall endorse upon such certificate a declara- Vote by ballot.
Canvass.

Certificate.	tion in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk, shall be by him filed with the clerk of said Lenawee county.
How money to be expended.	SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of an iron or wooden bridge, or partly of iron and partly of wood, over and across the river Raisin, in said township of Deerfield, in Lenawee county, on or near the site of the present bridge in the village of Deerfield, in the township of Deerfield in said county, and in constructing and grading the approaches thereto, and for no other purpose whatever; and in case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year; but no more than one thousand dollars of such principal shall be made to become due in any one year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond.
Duty of supervisor and treasurer.	
Amount due in any one year.	

This act is ordered to take immediate effect.

Approved February 3, 1887.

[No. 331.]

AN ACT to re-incorporate the village of Farmington.

Territory incorporated.	SECTION 1. <i>The People of the State of Michigan enact</i> , That all that tract of country situate in the township of Farmington, county of Oakland, and State of Michigan, which is known and described as follows, to wit: The west half of section twenty-seven, and the east half of section twenty-eight, in said township, be and the same is hereby made and constituted a village corporate by the name, style and title of "The Village of Farmington."
Present officers continued.	SEC. 2. The officers of said village now in office shall continue in office with the powers and duties conferred respectively by this act of re-incorporation, until their successors shall be elected and qualified.
Ordinances, etc., continued in force.	SEC. 3. All the ordinances and by-laws of said village of Farmington, that are not in conflict with the general laws relating to the incorporation of villages herein referred to, shall be and remain in full force and effect until repealed by the council of said village.

SEC. 4. The first election of village officers under the provisions of this act, shall be held in such village, at such place as the council thereof shall designate, on the second Monday of March, in the year of our Lord eighteen hundred and eighty-seven, and the polls of such election shall be opened at the time, and such election shall be held and conducted in all respects, not herein otherwise provided, as provided in the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting, as provided by law for the registration of voters in incorporated villages. The board of registration shall, for the first election, be composed of the clerk of such village, and two trustees thereof, to be chosen by the common council of such village.

First election of officers.

Polls.

Board of registration.

SEC. 5. Notice of the first election shall be given by the clerk of said village, by posting a notice thereof, reciting the officers to be chosen, in three or more public places in said village, at least eight days before such election. Such notices may be either written or printed.

Notice of first election.

SEC. 6. The said village of Farmington is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts supplementary and amendatory thereto. The said village as re-incorporated shall possess all the rights and property, and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act.

General laws governing.

Rights, property, liabilities, etc.

SEC. 7. Act number four hundred and thirty-four of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of Farmington," and all amendments to said act, are hereby repealed.

Act repealed.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 332.]

AN ACT to authorize the township of Allendale, in Ottawa county, to borrow money to be used in the construction of a bridge and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Allendale, in Ottawa county, be and it is hereby authorized and empowered to borrow, on the faith and credit of said township, a sum not exceeding three thousand dollars, for a term not exceeding ten years, at a rate of interest not exceeding seven per centum per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Authorized to borrow money.

SEC. 2. Such money shall not be borrowed, nor such bonds

If electors so vote.	issued, unless a majority of the qualified electors of said township, voting at the annual town meeting of said township, to be held on the first Monday in April, in the year of our Lord eighteen hundred and eighty-seven, voting on said loan shall so determine, and said township board shall give due notice thereof, by causing the date and place of voting to be stated in written notices and by posting said notices in five public places in said township, not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.
Notice of election.	
Vote by ballot.	<p>SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed; ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes," and ballots against the same shall be in the following words: "For the bridge loan—No." And it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon.</p> <p>The election shall be conducted and the votes canvassed in all respects as in other regular township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election, said inspectors shall endorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk shall be by him filed with the clerk of said Ottawa county.</p>
Canvass.	
Certificate.	
How money to be expended.	<p>SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of an iron or wood bridge (as the township board of said township may determine) over and across the bayou on the quarter line road running north and south through section ten, town seven north, of range fourteen west, and in constructing and grading the approaches thereto, and for no other purpose whatever; and in the case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installment of the principal thereof falling due in any such year, but no more than three hundred and fifty dollars of such principal shall be made to become due in any one year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said</p>
Duty of supervisor and treasurer.	
Amount due in any one year.	

treasurer after the same shall become due, and presentation to him of the proper bonds.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 333.]

AN ACT to amend sections nine, twenty-eight, thirty, forty-two, fifty-one, fifty-two, and fifty-three of act number two hundred and sixty-six of the session laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the village of Hudson," and all subsequent amendments of said sections.

SECTION 1. *The People of the State of Michigan enact*, That sections nine, twenty-eight, thirty, forty-two, fifty-one, fifty-two, and fifty-three of act number two hundred and sixty-six of the session laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the village of Hudson," and all subsequent amendments of said sections be and the same are hereby amended so as to read as follows: Sections amended.

SEC. 9. The common council shall have power to remove from office the recorder, marshal, street commissioner and any officer appointed by them for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer or his sureties from any liability incurred. Council, power of to remove officers.

SEC. 28. The president and trustees when assembled and duly organized shall constitute the common council of the village of Hudson, and four trustees, or three trustees with the president, shall be necessary to constitute a quorum for the transaction of business, though a less number may adjourn the council from time to time, but no tax or assessment shall be ordered, nor any appointment of any person to any office be made, nor shall any person be removed from office except by a concurring vote of two-thirds of the trustees elect of the common council. Quorum.

When a two-thirds vote is required.

SEC. 30. In the proceedings of the common council each trustee present shall have one vote, and when there shall be a tie, the president shall give the casting vote. Whenever required by any member, the votes of all the trustees in relation to any act, proceeding or proposition, had at any meeting, shall be entered at large in the minutes, and such vote shall be so entered in relation to the adoption of any resolution or ordinance, report of a committee, or other act for taxing or assessing any property in said village, or the citizens of said village, and all proceedings of the common council shall be published as soon as may be in at least one newspaper printed and published in said village. Casting vote in case of a tie.

Votes to be entered at large in minutes.

Proceedings to be published.

SEC. 42. The assessor of said village shall, once in each year, between the second Monday of April and the second Monday of Time of making assessment roll.

May, make an assessment roll containing a description of all the property both real and personal liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the name of all persons liable to pay a capitation or poll-tax as provided for in this act, and shall estimate and set down in such roll the valuation of all such property at its fair cash value, placing the value of personal property on a separate line; and when said roll shall be so made and completed, the assessor shall immediately give notice thereof by publishing the same in some newspaper printed and published in said village, or if there be no such newspaper, by conspicuously posting the same in three public places in said village, for ten days next previous to the time for review therein stated, and such notice shall give the time when, and the place where he will be and have said roll for inspection and review. At the time and place so appointed, the assessor, on the application of any person interested, may reduce the said valuation, on sufficient cause being shown on oath to the satisfaction of the assessor, which oath the assessor is hereby authorized to administer. If any person or persons shall feel aggrieved by the final decision of the assessor, such person or persons shall have the right of appealing from such decision at any time within ten days thereafter to the common council, who are in like manner hereby authorized to reduce such valuation; and the common council may, at any time before the tax is collected upon such assessment roll, correct any description of real estate which they may find erroneously described in said roll. The assessor shall complete and deliver said assessment roll to the village recorder, on or before the first day of June of each year. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity, or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment; and whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

SEC. 51. The common council shall have power to provide by ordinance for imposing fines, penalties and forfeitures not exceeding one hundred dollars, unless a greater fine or penalty is herein authorized, or imprisonment not exceeding ninety days or both in the discretion of the court, together with the costs of the prosecution for each violation of any of said ordinances and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs of prosecution may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner

Notice of completion of roll.

Reduction of valuation, etc., how made.

When roll to be delivered to recorder.
When council may cause new assessment.

Proceedings on re-assessment.

Tax paid upon original assessment to be applied upon re-assessment.

Fines, penalties, etc., provisions for imposing.

made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance shall be prescribed in the ordinance, and if imprisonment be adjudged in any case it may be in the village prison or in the county jail of Lenawee county, or in any other place of confinement provided by the village for such purpose, in the discretion of the court.

SEC. 52. Whenever a penalty shall be incurred for the violation of any ordinance and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt or in assumpsit. And when a corporation shall incur a penalty for the violation of any such ordinance the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances of the village may in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan and shall set forth the substance of the offense complained of, and be substantially of the form and be issued upon complaint made as provided by law in criminal cases, cognizable by justices of the peace, and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution thereof shall, except as otherwise provided by this act, be governed by and conform as nearly as may be to the provision of law regulating the proceedings in criminal causes, cognizable by justices of the peace. And any justice of the peace of said township of Hudson shall have power in all cases where by the provisions of this act, or of any by-law, or ordinance made in pursuance thereof, any person may be sentenced to imprisonment in the county jail of the county of Lenawee, and it is hereby made the duty of the keeper of said county jail to receive and safely keep such persons during the time for which they shall be sentenced respectively as in all other cases. And in all cases where the term of such imprisonment shall not be less than sixty days such person may be sentenced to the Detroit house of correction.

When penalty may be recovered in an action of debt, etc.

Prosecutions, how commenced.

Proceedings relating to arrest, etc., how governed.

Power of justices of the peace.

Duty of keeper of county jail.

When person may be sentenced to Detroit House of Correction.

Council may provide village prison, etc.

Who may be kept at hard labor, etc.

SEC. 53. The council shall have power to provide and maintain a village prison and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the village and for the employment of those imprisoned therein. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for non-payment of fines for violation of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe.

This act is ordered to take immediate effect.

Approved February 5, 1887.

[No. 334.]

AN ACT to incorporate the village of East Jordan, Charlevoix county.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being in the township of South Arm, county of Charlevoix, and State of Michigan, to wit: Lots one, two, three and the east half of the northeast quarter of section twenty-three, and the west half of the northwest quarter of section twenty-four, and the southwest quarter of the southwest quarter of section thirteen, also lot three and the south half of the southeast quarter of section fourteen, all in township thirty-two north of range seven west, together with all accretions to the said lands above described by the actions of the waters of the south arm of Pine Lake, and also all slips, docks, dockage and water approaches attached to the above described lands or in any manner connected therewith, is hereby constituted a village corporate known and designated as the village of East Jordan.

First election,
when and where
held.

SEC. 2. The first election of officers for said village shall be held on the second Monday in April in the year eighteen hundred and eighty-seven at the town hall in the township of South Arm.

Board of
registration.First meeting
of.

SEC. 3. John A. Stevens, James B. Parmiter and John Chamberlin are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the town hall in said township on Saturday preceding the second Monday in April in the year eighteen hundred and eighty-seven aforesaid, to register the names of all persons residents of said village presenting themselves for registration having the qualification of voters at annual township meetings, and said board of registration shall hold its subsequent meetings on the Saturday next preceding the second Monday of March.

Subsequent
meetings.Notice of first
election.

SEC. 4. Notice of said first election of officers for said village shall be posted in three of the most public places in said village at least eight days before the time of said election, which notice shall be signed by any five electors in said village.

General law
governing.

SEC. 5. The said village of East Jordan shall, in all things not herein otherwise provided, be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Election at
other than
the time desig-
nated.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be had within one year from the time designated in section two of this act, on notice being given as provided by section four of this act.

This act is ordered to take immediate effect.

Approved February 7, 1887.

[No. 335.]

AN ACT to incorporate the village of Durand in Shiawassee county.

SECTION 1. *The People of the State of Michigan enact, That* the following described territory, to-wit: The southwest quarter of section fifteen and the southeast quarter of section sixteen and the northeast quarter of section twenty-one and the northwest quarter of section twenty-two, in township six north, of range four east in the township of Vernon, county of Shiawassee and State of Michigan, be and the same is hereby constituted a village corporate to be known as the village of Durand. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held at the store of Charles E. Cook in said township of Vernon, on the second Monday in April, in the year of our Lord one thousand eight hundred and eighty-seven, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election, and by causing a copy of said notice to be published in "The Independent," a newspaper printed and published in the city of Corunna and county of Shiawassee, at least two weeks before said election. First election, when and where held.
Notice of election.

SEC. 3. William H. Putnam, Chas. Clark and Chas. E. Cook are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and the said board of registration shall meet at the store of Charles E. Cook aforesaid and remain in session the same hours required of boards of registration at general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings, due notice of which registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration, and by publishing said notice in "The Independent," a newspaper printed and published in the city of Corunna and county of Shiawassee, two weeks previous to said meeting of said board of registration. Board of registration.
Meeting of.
Notice of registration.

SEC. 4. The said village of Durand shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and acts amendatory thereto. General law governing, etc.

SEC. 5. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein. Election at other than time designated.

This act is ordered to take immediate effect.

Approved February 7, 1887.

[No. 336.]

AN ACT to incorporate the village of Carson City in the township of Bloomer, county of Montcalm and State of Michigan.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described lands and territory, the same lying and being in the township of Bloomer, Montcalm county, to wit: The south one-half of section twelve and the south one-half of the south one-half of the north one-half of section twelve, and the north three-fourths of the north one-half of section thirteen, all in township nine north of range five west, be and the same is hereby constituted a village corporate to be known as the village of Carson City.

First election.

SEC. 2. The first election of officers of said village shall be held on the first Monday of March in the year one thousand eight hundred and eighty-seven at the rink in said village, ten days' previous notice of which shall be given by the board of registration hereinafter appointed, or any of them, by posting such notice in three public places in said village.

Board of
registration.

SEC. 3. William A. Sweet, Jr., Ophir R. Goodno and William H. Thayer are hereby constituted a board of registration for the purpose of registering the voters for the first election to be held in said village, and they are hereby required to meet on the Saturday preceding the time herein provided for holding the first election in said village, at William A. Sweet's office in said village or at such place in said village as said board of registration shall designate by public notice posted in at least three prominent places in said village, and register the names of all persons residents of said village presenting themselves for registration having the qualifications of voters at annual township meetings.

Meeting of.

Notice of.

Election at
other than time
designated.

SEC. 4. If for any reason the said election shall not be held at the time hereinbefore specified, it may be held at any time within one year thereafter, by giving the notice above required.

General law
governing, etc.

SEC. 5. The said village of Carson City shall in all things be governed, and its powers and duties defined, except as hereinafter provided, by an act entitled "An act granting and defining the powers and duties of incorporate villages," approved April first, [in the year] eighteen hundred and seventy-five, and acts amendatory thereto.

Power of coun-
cil relative to
grading streets,
etc.

SEC. 6. The council of said village may, on petition of a majority in number of the owners of property, or of those owning a majority of the property along the line of any proposed improvement, as hereinafter designated, and shall on petition of a majority in numbers and of ownership of property on the said line, order the grading of the street or sidewalk, building of sidewalks, sewers or gutters, or the setting of shade trees along the line of any street, lane or alley in the said village.

This act is ordered to take immediate effect.

Approved Feb. 7, 1887.

[No. 337.]

AN ACT to organize the county of Gogebic.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to-wit: Surveyed townships forty-three, forty-four and forty-five north, range thirty-eight west; forty-three, forty-four and forty-five north, range thirty-nine west; forty-four and forty-five north, range forty west; forty-four, forty-five, forty-six and forty-seven north, range forty-one west; forty-four, forty-five, forty-six and forty-seven north, range forty-two west; forty-four, forty-five, forty-six and forty-seven north, range forty-three west; forty-five, forty-six, forty-seven and forty-eight north, range forty-four west; forty-five, forty-six, forty-seven, forty-eight, forty-nine and fifty north, range forty-five west; forty-five, forty-six, forty-seven, forty-eight, forty-nine and fifty north, range forty-six west; forty-six, forty-seven, forty-eight and forty-nine north, range forty-seven west; forty-seven, forty-eight and forty-nine north, range forty-eight west, and forty-eight north, range forty-nine west, be and the same is hereby detached from the county of Ontonagon and organized into a separate county to be known as the county of Gogebic.

Territory
organized.

SEC. 2. At the election to be held on the first Monday of April next, the several county officers of said county of Gogebic shall be elected. The election of such officers and the canvass thereof, shall be conducted in the manner prescribed by law for general elections: *Provided*, That the county canvass of such election shall be held at the office of the township clerk of the township of Bessemer in the said county on the Monday next succeeding such election, and the officers so elected shall qualify and enter on the duties of their respective offices on or before the first day of May, eighteen hundred and eighty-seven, and shall hold their several terms of office until the first day of January, eighteen hundred and eighty-nine, and until their successors are elected and qualified.

Election of
county officers.

Provided.

Terms of office.

SEC. 3. The permanent county seat of said county shall be fixed and determined at the election to be held on the first Monday of April next, when there shall be written or printed or partly written and partly printed, on the ballots to be then and there polled by the qualified electors of said county, the words: "For county seat," and thereafter the name of one place, and the place which shall receive the highest number of votes cast at said election shall be the permanent county seat until otherwise designated according to law. The canvass of such votes for permanent county seat shall be conducted by the same persons and in the same manner as that for county officers.

County seat,
how fixed.

SEC. 4. The said county of Gogebic shall be in the twenty-fifth judicial circuit, the thirty-second senatorial district, the representative district now composed of the counties of Ontonagon, Baraga, Keweenaw and Isle Royal and the eleventh congressional district, until otherwise provided by law. The judge

To be in twenty-
fifth judicial
circuit, etc.

Time of holding circuit court. of said judicial circuit shall fix the time for holding the circuit court of said county on or before the first day of July next.

Records, deeds, etc., transcript of, etc. SEC. 5. The register of deeds of said county of Gogebic shall make or cause to be made a transcript of all records of the county of Ontonagon, which are necessary to be upon the records of said county of Gogebic, and the expense of such transcript shall be paid by said county of Gogebic.

Powers and duties of county officers of Ontonagon county. SEC. 6. The county officers of Ontonagon county shall exercise all the powers and perform all the duties now devolving upon them in the territory taken from such [said] county, until the county officers of Gogebic county shall be elected and qualified and shall have entered upon the duties of their respective offices.

Suits and proceedings pending. SEC. 7. All suits or proceedings now pending or that may be pending on the first day of July next before any court in the county of Ontonagon, which should by law have been prosecuted in said county of Gogebic, if the same had been heretofore organized, shall be prosecuted to final judgment and execution, and all taxes heretofore levied shall be collected in the same manner, as though this act had not passed.

Taxes heretofore levied. SEC. 8. That surveyed townships forty-three north, ranges thirty-eight and thirty-nine west; forty-four north, ranges thirty-eight, thirty-nine, forty and forty-one west; forty-five north, ranges thirty-eight, thirty-nine, forty and forty-one west, in said county of Gogebic are hereby organized into a township to be known as the township of Watersmeet.

Watersmeet township, territory organized. SEC. 9. The first election of township officers in said township of Watersmeet shall be held at the house of Charles H. Baker in said township on the first Monday of April next. The inspectors of said election shall consist of Ayers Stockley, Henry Cannon and Benjamin Smith.

First election, time and place of holding. SEC. 10. That surveyed townships forty-four north, ranges forty-two and forty-three west; forty-five north, ranges forty-two and forty-three west; forty-six north, ranges forty-one, forty-two and forty-three west; forty-seven north, ranges forty-one, forty-two and forty-three west, in said county of Gogebic are hereby organized into a township to be known as the township of Marenisco.

Marenisco township, territory organized. SEC. 11. The first election of township officers in said township of Marenisco shall be held at the store building in said township, of the Marenisco mining company on the first Monday of April next. The inspectors of said election shall consist of James Tobin, John B. Weimer and Tenning Carlson.

First election of, etc. SEC. 12. The townships of Ironwood, Bessemer and Wakefield in said county of Gogebic are hereby re-organized and shall consist of the following territory, that is to say: Surveyed townships, forty-five north, range forty-six west; forty-six north, ranges forty-six and forty-seven west; forty-seven north, ranges forty-seven and forty-eight west; forty-eight north, ranges forty-six, forty-seven, forty-eight and forty-nine west; forty-nine north, ranges forty-six, forty-seven and forty-eight west, and fifty

Inspectors.

Ironwood township, territory organized.

Bessemer township, territory organized.

north, range forty-six west, shall be and constitute the said township of Ironwood. Surveyed townships, forty-five north, ranges forty-four and forty-five west; forty-six north, ranges forty-four and forty-five west; sections twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five and thirty-six of surveyed township forty-seven north, range forty-five west, and surveyed township forty-seven north, range forty-six west, shall be and constitute the said township of Bessemer; and surveyed townships forty-seven north, range forty-four west; sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four of surveyed township forty-seven north, range forty-five west; surveyed townships forty-eight north, ranges forty-four and forty-five west; forty-nine north, range forty-five west, and fifty north, range forty-five west, shall be and constitute the township of Wakefield.

Wakefield township, territory organized.

SEC. 13. Settlement shall be made between the county of Ontonagon and the said county of Gogebic in the manner provided by law.

Settlement with Ontonagon county.

SEC. 14. Said county of Gogebic is hereby created and declared a body corporate with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.

County of Gogebic a body corporate.

SEC. 15. All acts and parts of acts contravening the provisions of this act are hereby declared inoperative and void within the county of Gogebic hereby organized.

Acts contravening, etc., inoperative and void.

This act is ordered to take immediate effect.

Approved February 7, 1887.

[No. 338.]

AN ACT to authorize the city of Mount Clemens to establish and regulate a park.

SECTION 1. *The People of the State of Michigan enact, That the common council of the city of Mount Clemens shall have power to purchase the following described premises, to-wit: Commencing on the south bank of the Clinton river south seventy-four degrees west, four hundred and eighty feet from a stone on the north bank of the Clinton river at the east line of the city limits, the same being the line between the townships of Clinton and Harrison (old survey), of Macomb county, Michigan; thence south fifty-seven degrees east, fourteen hundred and fifty feet to the south bank of the Clinton river, thence northerly, westerly, westerly, and southerly, meandering the river bank to the place of beginning, containing about 7 acres of land more or less, and to improve and use the same as a public park, and to erect thereon any buildings which the city is authorized to build and*

Power to purchase lands for park.

Territory described.

Improvement and use of.

Who to have jurisdiction, etc.	maintain, and in all respects to devote said land to such public and corporate purposes as the council shall deem advisable. In case said island is purchased by the city, the mayor, city marshal, city constables and common council of the city of Mount Clemens, Michigan, shall have full police powers and jurisdiction over the lands above described, the waters surrounding the same and the bridge or bridges, if any, leading thereto, the same as though the lands and premises, and water surrounding the same were in the corporate limits of the city.
Power of council to construct canal, etc.	SEC. 2. The common council of said city shall also have power to construct, or cause to be constructed, a canal on the southerly side of said described lands, so as to form an island, and to erect and maintain a bridge over the same, or over the Clinton river, to connect the island thus created with the main-land; and to purchase and acquire sufficient real estate on said main land, either within or without the limits of the city, for suitable approaches to such bridge from the main-land, and the police powers and jurisdiction conferred by the preceding section shall extend to the land thus acquired. The common council shall have power from time to time to fix the rate and provide for the collection of tolls for the use of said bridge, and to grant to railroad and street car companies the right to run their cars over said bridge, upon such terms and conditions as the common council shall prescribe.
To purchase real estate for certain purpose.	
To fix toll rates.	
To borrow money and issue bonds.	SEC. 3. For the purpose of carrying out the provisions of this act the common council shall have power to borrow, by issuing bonds on the faith and credit of said city, such sums of money as may be necessary, not exceeding in the aggregate the sum of ten thousand dollars; said bonds to be issued and negotiated in the manner provided by the city charter, relative to the issuing of public sewer bonds by said city, and the bonds so issued shall be denominated public improvement bonds of the city of Mount Clemens: <i>Provided</i> , That no greater sum than two thousand dollars shall be paid for the said land.
Manner of issuing bonds.	
Proviso. .	
Proceedings in case land cannot be purchased.	SEC. 4. In case said land can not be bought at private sale or purchase, said city shall have the right to acquire the same by proceeding to have the same condemned in the manner provided by the city charter for the appropriation of private property for public use, same being chapter twenty-five (25) of act one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, and acts amendatory thereto, and being chapter twenty-five of chapter eighty of Howell's Annotated Statutes of Michigan, same being compiler's sections two thousand six hundred and seventy-two to two thousand six hundred and ninety-two, inclusive, of Howell's Annotated Statutes.
General law as to acquiring lands.	
Right of city to transfer lands.	SEC. 5. Said city shall also have the right and power to deed, sell or convey the whole or a portion of said described lands to the United States Government, or any other State corporation, institution, or individual that it, by a two-thirds vote of its aldermen at a regular meeting of said body, may determine upon, for the purpose of securing the construction of a canal around

the southerly side of said described land: *Provided, however,* Proviso.
That said canal shall be constructed of sufficient size as to be used
for navigable purposes.

SEC. 6. The powers conferred by this act shall be exercised
and carried out in compliance with the city charter.

Powers conferred to be executed in compliance with charter.

This act is ordered to take immediate effect.

Approved February 14, 1887.

[No. 339.]

AN ACT to authorize the township of Burleigh in the county of Iosco, Michigan, to borrow money upon its bonds to pay outstanding township and highway orders and its other lawful obligations.

SECTION 1. *The People of the State of Michigan enact.* That the township board of the township of Burleigh in the county of Iosco, Michigan, be and it is hereby authorized and empowered to borrow on the faith and credit of said township the sum of four thousand dollars; one thousand dollars shall be due and payable in five years from the date of said loan, one thousand dollars in six years, one thousand dollars in seven years, and one thousand dollars in eight years, at a rate of interest not exceeding seven per cent per annum, payable semi-annually, and to execute the coupon bonds of said township therefor in such form as said board shall determine, said bonds and coupons to be signed by the chairman and clerk of said township board.

Authorized to borrow \$4,000.

When payable.

Interest.

Who to execute bonds.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall so determine; and the township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting, and object of said election to be stated in written or printed notices by posting said notices in five public places in said township not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

Majority of qualified electors required.

Special election.

Notice.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the Loan," and ballots against the same shall be in the following words: "Against the Loan," and it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, and to furnish all electors desiring to vote thereon; the election shall be conducted and the votes canvassed in all respects as in other township elec-

By ballot.

Form of ballots.

Election, how conducted.

tions. Immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against respectively, and not later than the third day following such election said inspectors shall endorse upon said certificate the declaration in writing over their hands of the result of said election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof shall be by him filed with the clerk of said Iosco county.

Money, how
expended.

Assessment and
collection of
taxes.

Treasurer to
pay interest,
etc.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the payment of outstanding township and highway orders of said township of Burleigh, existing at the date said bonds shall be issued, to pay the several school districts in said township such an amount as shall be due to them from said township on the account between said township and said school districts, and the necessary expense incident to the issue of said bonds, and for no other purpose whatever; and in case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also an installment of the principal thereof falling due in any such year, and the said interest shall be payable by the said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of proper bonds.

This act is ordered to take immediate effect.

Approved February 17, 1887.

[No. 340.]

AN ACT to re-incorporate the village of Baldwin in the county of Lake.

Territory
re-incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the county of Lake and described as follows, to wit: The north three-fourths of section number three in township number seventeen north, of range number thirteen west, and the south one-fourth of section number thirty-four in township number eighteen north, of range number thirteen west, be and the same is hereby made and constituted a village corporate by the name, style and title of the village of Baldwin.

Officers to
remain in office.

SEC. 2. The officers of said village now in office shall continue in office with the powers and duties conferred respectively by this act of re-incorporation, until their successors shall be elected and qualified.

SEC. 3. All the ordinances and by-laws of said village of Baldwin that are not in conflict with the general laws relating to the incorporation of villages herein referred to, shall be and remain in full force and effect until repealed by the council of said village.

Ordinances and by-laws to remain in force.

SEC. 4. The first election of village officers under the provisions of this act shall be held in such village at such place as the council thereof shall designate, on the second Monday of March in the year of our Lord eighteen hundred and eighty-seven, and the polls of such election shall be opened at the time and such election shall be held and conducted in all respects not herein otherwise provided, as provided in the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting as provided by law for the registration of voters in incorporated villages. The board of registration shall for the first election be composed of the clerk of such village and two trustees thereof, to be chosen by the council of such village.

First election.

Board of registration.

SEC. 5. Notice of the first election shall be given by the clerk of said village by posting a notice thereof, reciting the officers to be chosen, in three or more public places in said village at least eight days before such election. Such notices may be either written or printed.

Notice of election.

SEC. 6. The said village of Baldwin is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts supplementary and amendatory thereto. The said village as re-incorporated shall possess all the rights and property and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act.

Re-incorporated under general law.

SEC. 7. All other acts relating to the incorporation of the village of Baldwin are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved February 17, 1887.

[No. 341.]

AN ACT to re-incorporate the village of Romeo.

SECTION 1. *The People of the State of Michigan enact, That* all that tract of country, situate in the townships of Bruce and Washington, county of Macomb and State of Michigan, which is known and described as follows, to wit: The west half of the north-east quarter and the north-west quarter of section two, and the east half of the north-east quarter of section three, town four north, of range twelve east, and the west half of the south-east quarter and the south-west quarter of section thirty-five, and the east half of the south-east quarter of section thirty-four, town five north of range twelve east, in said townships, be and the same is

Territory re-incorporated.

Name of village.	hereby made and constituted a village corporate by the name, style and title of "The Village of Romeo."
Officers to continue in office.	SEC. 2. The officers of said village, now in office, shall continue in office with the powers and duties conferred respectively by this act of re-incorporation, until their successors shall be elected and qualified.
Ordinances and by-laws to remain in force.	SEC. 3. All the ordinances and by-laws of said village of Romeo, that are not in conflict with the general laws relating to the incorporation of villages herein referred to, shall be and remain in full force and effect until repealed by the common council of said village.
First election.	SEC. 4. The first election of village officers under the provisions of this act shall be held in such village at such place as the common council thereof shall designate, on the first Monday of March in the year of our Lord eighteen hundred and eighty-seven, and the polls of such election shall be opened at the time, and such election shall be held and conducted in all respects, not herein otherwise provided, as provided in the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting, as provided by law for the registration of voters in incorporated villages.
Board of registration.	The board of registration shall, for the first election, be composed of the clerk of such village and two trustees thereof, to be chosen by the common council of such village.
Notice of election.	SEC. 5. Notice of the first election shall be given by the clerk of said village by posting a notice thereof, reciting the officers to be chosen, in three or more public places in said village at least eight days before such election. Such notices may be either written or printed.
Re-incorporated under general law.	SEC. 6. The said village of Romeo is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts supplementary and amendatory thereto. The said village as re-incorporated shall possess all the rights and property and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act.
Acts repealed.	SEC. 7. All acts or parts of acts heretofore passed relative to the incorporation or re-incorporation of the village of Romeo, and all amendments thereto, are hereby repealed. This act is ordered to take immediate effect. Approved February 17, 1887.

[No. 342.]

AN ACT to amend chapter two by adding one new section thereto to stand as section one, and to re-number sections one, two, three, four, five, six, seven, and eight of said chapter to stand as sections two, three, four, five, six, seven, eight and

nine, and to amend sections one and two of chapter three, and sections three and four of chapter four, of act number two hundred and forty-two of the session laws of eighteen hundred and seventy-three, being an act entitled "An act to incorporate the village of Reading, in Hillsdale county," approved April twelfth, eighteen hundred and seventy-three.

SECTION 1. *The People of the State of Michigan enact*, That chapter two of act number two hundred and forty-two of the session laws of eighteen hundred and seventy-three, being an act entitled "An act to incorporate the village of Reading in Hillsdale county," approved April twelfth, eighteen hundred and seventy-three, be amended, and that said chapter be amended by adding one new section thereto, to stand as section one, and to re-number sections one, two, three, four, five, six, seven, and eight of said chapter to stand as sections two, three, four, five, six, seven, eight, and nine, and that sections one and two of chapter three, and sections three and four of chapter four, of the said act, be and the same are hereby amended so as to read as follows:

CHAPTER II.

ELECTIONS.

SECTION 1. The recorder of the village and two of the trustees, to be appointed each year by the council, shall be the village board of registration. On the Saturday previous to the day of holding any annual or special election, and on any other days that the village council may appoint, the board shall be in session from nine o'clock in the morning until eight o'clock in the afternoon for the purpose of completing the registration of the electors of the village, and in case of the absence of said recorder, or of either of the trustees so appointed, those who shall be in attendance are authorized to appoint some competent person to fill the vacancy occasioned by such absence. Notice of the time and place of such meeting shall be given with the notice of said election. In making and completing any such registration the board shall proceed in the same manner and conform to the same rules, as near as may be, as are provided by law for registering electors in townships.

SEC. 2. The annual elections under this act shall be held on the first Monday of March in each year, at such place in said village as the common council shall designate; notice of which shall be given by the recorder at least ten days before the election by posting the same in three public places in said village, or by publishing the same in some newspaper printed in said village. The president, recorder, and one or more of the trustees shall be inspectors of such elections and all other village elections, and any one of them may act as clerk thereof, and in the case of the absence of one or more of such inspectors the electors may choose, *viva voce*, from their number, one or more to fill such vacancies,

Chapter amended.

Board of registration.

To be in session during certain hours.

Vacancies in board, how filled.

Notice of meeting.

Manner of proceeding.

Annual elections.

Notice of.

Who inspectors of.

Vacancies, how filled.

Oath.	to whom shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace or notary public.
Manner of conducting elections, etc.	The manner of conducting all elections and canvassing the votes and the qualifications of electors in said village shall be the same as that of townships, the word "village" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged. At such charter elections the said inspectors shall make a certificate of the number of votes given for each person for the several offices to be filled in and for the said village, which certificate shall be immediately filed in the office of the recorder of said village; and upon the Thursday next following the day of said election the common council shall meet at the office of said recorder, and thereupon determine who, by the greatest number of votes given at such election, are duly elected to fill the respective village offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the said recorder, who shall file the same in his office; and in case two or more persons shall receive, for the same office, an equal number and not a plurality of votes given at such election, the common council shall immediately proceed to determine, by lot, between the persons so receiving the highest number of votes, which shall be considered elected to such office. The treasurer shall, before entering upon the discharge of his duties, give such security to the common council as they shall direct; and in case any of the officers so elected, or any appointed officer, shall neglect for the term of ten days to qualify, as aforesaid, or to give security, the office shall thereby become vacant.
Certificate of votes cast, where filed, etc.	
Meeting of council to determine who are elected.	
Notice to persons elected.	
Oath of office.	
Proceedings in case of a tie.	
Treasurer shall give security.	
In case of neglect to qualify, etc.	
Qualification of electors.	SEC. 3. The inhabitants of said village, being electors under the constitution and laws of the State of Michigan, and no others, are declared to be electors under this act, and qualified to vote at any such elections; and a person offering to vote at any such election, if challenged by an elector of said village, before his vote shall be received, shall take one of the oaths or affirmations provided by the laws of this State for electors at general and special elections for the time being, which oath or affirmation may be administered to him by either of the inspectors of the election. Upon taking such an oath or affirmation, if duly registered in said village, he shall forthwith be permitted to vote. In all other respects not herein provided, said elections shall be conducted as near as may be in accordance with the general statutes provided for township elections.
Proceedings in case of challenge.	
Governed by general law.	
Powers of boards of elections.	SEC. 4. The board of election in said village, at all elections held therein, shall possess all the powers not inconsistent with this act that boards of elections in townships possess under and in pursuance of the laws of this State; and in all matters not otherwise provided for in this act, the laws of this State appli-

cable to the holding of township meetings shall apply to the holding of all annual and special elections held under this act; and all laws of this State, not inconsistent with this act, applicable to the holding of general elections in the townships of this State, shall apply to the holding of general elections in said village.

General laws applicable to elections.

SEC. 5. At all subsequent elections held by virtue of this act, the polls shall be opened at the place designated by the common council, at ten o'clock in the morning, and shall be kept open without intermission or adjournment, until four o'clock in the afternoon, at which hour they shall be finally closed.

Time of opening and closing polls.

SEC. 6. At all elections held under this act, the electors shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the electors intend to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such offices.

Manner of voting.

Form of ballot.

SEC. 7. It shall the duty of the inspectors of elections, on receiving the votes, as specified in section six of this chapter, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose; the said board shall also write down or cause to be written down, the name of each elector voting at such election, in a poll list, to be kept by said inspectors of election, or under their direction.

Deposit of ballots.

Poll list.

SEC. 8. Immediately after the closing of the polls, the inspectors of election shall forthwith, without adjournment, publicly canvass the votes received by them and declare the result, and shall on the same day, or the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or the next day, with the recorder of the village.

Canvass of votes.

Certificate of votes given, etc.

SEC. 9. The person receiving the greatest number of votes for any office in said village shall be deemed to have been duly elected to such office, and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take as many strips of paper of equal size as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put said ballots together in a hat or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected. If notice of any election shall not be given as herein required, it shall be lawful for the electors to meet at the proper time and place, and hold the election, and in case of the non-attendance or neglect of the proper officers to act, the electors present may, *viva voce*, choose inspectors to act

Who deemed elected.

Proceedings in case of a tie.

Proceedings in case notice of election is not given.

Provide in case election is not held on day appointed.

in their places: *Provided*, That if any election of officers under this act shall not be held on the day when it ought to have been held, the said corporation shall not for that cause be dissolved, but it shall be lawful to hold such election at any time thereafter, public notice thereof being given, as provided in this act.

CHAPTER III.

OFFICERS—THEIR ELECTION AND APPOINTMENT.

First election.

SECTION 1. The qualified electors of said village under this act shall meet on the second Monday of April, eighteen hundred and seventy-three, at the district school-house situated on the territory included within the limits of said village, and elect one president, one recorder, one assessor and five trustees for one year. H. B. Chapman, L. S. Parmelee and A. B. Strong shall act as inspectors of such election, which shall be conducted in accordance with the provisions of this act in reference to holding of general elections in said village. The persons receiving the highest number of votes for either of said offices shall respectively be declared elected thereto by said inspectors, and at each succeeding annual election there shall be elected one president, one recorder, one assessor, one treasurer and six trustees, three for one year and three for two years, who shall respectively hold their office until their successors are elected and qualified; and annually thereafter three trustees shall be elected for the term of two years.

Inspectors of election.

Who declared elected.

Succeeding annual elections, officers to be elected at, etc.

Officers appointed.

SEC. 2. The following officers shall be appointed by the common council, on or before the first Monday in April of each year, viz.: A marshal, a street commissioner, and a village attorney.

CHAPTER IV.

VACANCIES IN OFFICE—WHEN THEY EXIST, HOW FILLED, ETC.

Vacancy in office, how filled.

SECTION 3. When a vacancy occurs in the office of trustee, by his refusal or neglect to take the oath of office within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the village, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council of said village may, in their discretion, and by a unanimous vote of all the qualified members of said common council, appoint a suitable person who is an elector to fill such vacancy, until his successor, who shall be elected at the election next ensuing, is elected and qualified; or may appoint a special election, to be held not less than five days nor more than fifteen days from the time of such appointment.

Idem.

SEC. 4. In case any vacancy shall occur in any of the offices in this act declared to be elective or appointed [appointive], the common council may, in their discretion, fill such vacancy by the appointment of a suitable person who is an elector, and any officer

appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the tenth day after the election next succeeding, or until his successor is elected and qualified.

This act is ordered to take immediate effect.

Approved February 18, 1887.

[No. 343.]

AN ACT to incorporate the village of East Tawas, Iosco county.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being in the township of Baldwin, county of Iosco, and State of Michigan, to-wit: All the land in the southeast quarter of section number nineteen (19), lying east of the Tawas river in said southeast quarter of section nineteen (19), all of the south half of section twenty (20), all of the southwest quarter of section twenty-one (21), and all of fractional section twenty-nine (29). All of the above described lands being in town twenty-two (22) north, of range eight (8) east, in the county of Iosco, and State of Michigan, together with all accretions to said lands above described by the waters of Tawas Bay, in Lake Huron, and also all slips, docks, dockage and water approaches attached to the above described lands, or in any manner connected therewith, is hereby constituted a village corporate, known and designated as the village of East Tawas. Territory incorporated.

SEC. 2. The first election of officers for said village shall be held on the second Monday in April, in the year eighteen hundred and eighty-seven, at Carpenter's hall in said village. First election.

SEC. 3. James La Berge, William H. Clough and Oren N. Carpenter are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at Carpenter's hall in said village on the Saturday preceding the second Monday in April, in the year eighteen hundred and eighty-seven, aforesaid, to register the names of all persons residents of said village presenting themselves for registration, having the qualification of voters at annual township meetings, and said board of registration shall hold its subsequent meetings on the Saturday next preceding the second Monday of March. Board of registration.
First meeting.

SEC. 4. Notice of said first election of officers for said village shall be posted in three of the most public places in said village at least eight days before the time of said election, which notice shall be signed by any five electors in said village. Notice of election.

SEC. 5. The said village of East Tawas shall, in all things not herein otherwise provided, be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved To be governed by general law.

April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Election at
other than the
time design-
ated, etc.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election of officers may be had within one year from the time designated in section two of this act on notice being given as provided by section four of this act. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties.

This act is ordered to take immediate effect.

Approved February 18, 1887.

[No. 344.]

AN ACT to detach certain territory from the township of Harrisville, in the county of Alcona, in the State of Michigan, and to organize the township of Gustin in said county.

Territory
organized.

SECTION 1. *The People of the State of Michigan enact*, That the territory described as follows, viz.: Townships number twenty-six north, of range five east; twenty-six north, of range six east; twenty-six north, of range seven east; twenty-six north, of range eight east; twenty-seven north, of range five east; and twenty-seven north, of range six east, be and the same is hereby detached from the township of Harrisville, in said county of Alcona, and that the said territory be and the same is hereby organized into a new township to be called and known as the township of Gustin.

First township
meeting.

SEC. 2. The first annual township meeting in said township shall be held at the hall over the store occupied by Gustin and Killmaster, in the village of Killmaster, in township twenty-six north, of range eight east, on the fourth day of April next, and Charles H. Killmaster, Calvin Wilson, and Samuel Anger, three electors residing in the above described territory, are hereby designated as inspectors of election, whose duty it shall be to preside at said first township meeting, appoint a clerk of election, open and keep the polls, and shall exercise the same power as the inspectors of any election of any township may exercise under the laws of this State.

Board of
inspectors.

Duties of
inspectors.

This act is ordered to take immediate effect.

Approved February 18, 1887.

[No. 345.]

AN ACT to re-incorporate the village of Lexington in the county of Sanilac.

Territory re-
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that part of the township of Lexington in the county of Sani-

lac, embraced within the following limits to wit: Commencing at the north-west corner of the north-east quarter of section number thirty-six (36), in township number ten (10) north of range number sixteen (16) east, running thence north one hundred and sixty (160) rods, thence east to the shore of Lake Huron, thence south along the shore of Lake Huron one (1) mile, thence west two hundred and forty (240) rods, thence north to the place of beginning, be and the same is hereby made and constituted a village corporate by the name, style and title of the village of Lexington.

SEC. 2. The officers of said village now in office shall continue in office, with the powers and duties conferred respectively by this act of re-incorporation, until their successors shall be elected and qualified. Officers to continue in office.

SEC. 3. All the ordinances and by-laws of said village of Lexington that are not in conflict with the general laws relating to the incorporation of villages herein referred to, shall be and remain in full force and effect until repealed by the council of said village. Ordinances and by-laws to remain in force.

SEC. 4. The first election of village officers under the provisions of this act shall be held in such village at such place as the common council thereof shall designate, on the second Monday of March, in the year of our Lord eighteen hundred and eighty-seven, and the polls of such election shall be opened at the time and such election shall be held and conducted in all respects not herein otherwise provided as required by the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting as provided by law for the registration of voters in incorporated villages. The board of registration shall for the first election be composed of the clerk of such village and two trustees thereof, to be chosen by the common council of such village. First election. How conducted. Board of registration.

SEC. 5. Notice of the first election shall be given by the clerk of said village by posting a notice thereof, reciting the officers to be chosen, in three or more public places in said village, at least eight days before such election. Such notices may be either written or printed. Notice of election.

SEC. 6. The said village of Lexington is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts supplementary and amendatory thereto. The said village as re-incorporated shall possess all the rights and property and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act. General law governing, etc.

SEC. 7. All other acts relating to the incorporation of the village of Lexington are hereby repealed, saving and reserving to the said village of Lexington all rights heretofore obtained under said several acts. Acts repealed. Rights reserved.

SEC. 8. Ordered to take immediate effect.
Approved February 19, 1887.

[No. 346.]

AN ACT to authorize the township of Carrollton in Saginaw county, to borrow money to be used in aiding the construction of a bridge and approaches thereto across the Saginaw river, and to issue bonds therefor.

Authorized to
borrow \$5,000.

Interest.

If the electors
so vote.

Special election.

Notice.

Vote by ballot

Township board
to provide
ballots.

Election.
Canvass.

Certificate.

Filed.

Location to be
determined
—*to be determined*

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Carrollton in Saginaw county, be and is hereby authorized and empowered to borrow, on the faith and credit of said township, the sum of five thousand dollars, for a term not exceeding ten years, at a rate of interest not exceeding six per cent per annum, and to execute and issue the bonds of said township therefor, with proper interest coupons attached thereto, in such manner as said board shall determine, which bonds shall in no case be disposed of for less than their par value.

SEC. 2. Such money shall not be borrowed, nor such bonds issued, unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan shall so determine, and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, by giving due written notice thereof, which said notice shall state the purpose of said loan, the date and place of holding said special election, and shall be posted in five public places in said township, at least ten days before the date of election.

SEC. 3. The vote upon the proposition of said loan shall be by ballots, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes;" and the ballots against the same shall be in the following words: "For the bridge loan—No." And it shall be the duty of said township board to provide at the polls of such election, during the time the same shall be open, a sufficient number of ballots both for and against such proposition, for all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as any other special township election; and immediately upon the conclusion of such canvass, the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same, respectively, and not later than the day following such election, such inspectors shall indorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township.

SEC. 4. Before any money borrowed under the provisions of this act shall be expended, the point on the Saginaw river at which said bridge and approaches thereto shall be con-

structed, shall be determined by the township board of the township of Carrollton and the common council of the city of East Saginaw, Michigan, which said point so determined shall be on said river north of where the Flint and Pere Marquette railroad bridge is now located, and south of the north boundary line of the village of Carrollton, in said township.

SEC. 5. In case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon; and also any installment of the principal thereof falling due in any such year, but no more than one thousand dollars of such principal shall be made to become due in any one year; and the said interest shall become payable by said treasurer when the same shall become due, on the presentation to him of the proper coupons, and the said principal shall be payable by said treasurer when the same shall become due, on the presentation to him of the proper bond.

Duty of supervisor and treasurer.

Amount to become due, limited.
How paid.

This act is ordered to take immediate effect.

Approved February 19, 1887.

[No. 347.]

AN ACT to incorporate the village of Coleman in the county of Midland.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: The southeast quarter of section nineteen (19), and the southwest quarter of section twenty (20), and the northwest quarter of section twenty-nine (29), and the northeast quarter of section thirty (30), in town sixteen (16) north, of range two (2) west, in the county of Midland, State of Michigan, be and the same is hereby constituted a village corporate, to be known as the village of Coleman.

Territory incorporated.

SEC. 2. The first election of officers of the said village shall be held on the third Monday of April, eighteen hundred and eighty-seven, at the town hall, in said village; ten days' previous notice of which shall be given by the board of registration hereinafter designated, or any two of them, by posting such notices in three public places in said village, and by having the same published two or more consecutive times in the "Coleman Advocate," a weekly newspaper published in said village.

First election.

Notice of.

SEC. 3. T. B. Simons, Seth Bowdish and A. Fraser are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and they are hereby required to meet on the Saturday preceding the time herein provided for holding the first election in said village, at the town hall in said village, and register the names of all per-

Board of registration, powers and duty of.

sons residents of said village presenting themselves for registration, having the qualifications of electors at annual township meetings.

Election may
be held at other
than time
specified.

SEC. 4. If for any reason the said election shall not be held at the time hereinbefore specified, it may be held at any time within one year thereafter, by giving the notice above required.

Governed by
general law.

SEC. 5. The said village of Coleman shall, in all things not herein otherwise provided, be governed, and its powers and duties defined, by "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

This act is ordered to take immediate effect.

Approved February 21, 1887.

[No. 348.]

AN ACT to re-incorporate the village of Bellevue in the county of Eaton.

Territory re-
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situate in the township of Bellevue, county of Eaton, and State of Michigan, which is known and described as follows, to wit: The east one-half [$\frac{1}{2}$], and the east one-half [$\frac{1}{2}$] of the west one-half [$\frac{1}{4}$] of section number twenty-eight [28], and the west one-half [$\frac{1}{2}$] of the west one-half [$\frac{1}{4}$] of section number twenty-seven [27], in town number one [1] north, range number six [6] west, be and the same is hereby made and constituted a village corporate by the name, style and title of the village of Bellevue.

Officers to
remain in office.

SEC. 2. The officers of said village now in office shall continue in office with the powers and duties conferred respectively by this act of re-incorporation until their successors shall be elected and qualified.

Ordinances and
by-laws to
remain in force.

SEC. 3. All the ordinances and by-laws of said village of Bellevue that are not in conflict with the general laws relating to the incorporation of villages herein referred to shall be and remain in full force and effect until repealed by the council of said village.

First election.

SEC. 4. The first election of village officers under the provisions of this act shall be held at the engine house in the village of Bellevue on the second Monday in March, in the year of our Lord one thousand eight hundred and eighty-seven, and the polls of

How conducted.

such election shall be opened at the time and such election shall be held and conducted in all respects not herein otherwise provided as provided in the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting as provided by law for the registration of voters in incorporated villages. The board of registration shall for the first election be composed of the clerk of such village and two trustees thereof to be chosen by the common council of such village.

Board of
registration.

SEC. 5. Notice of the first election shall be given by the clerk of said village by posting a notice thereof, reciting the officers to be chosen in three or more public places in said village at least ten days before such election; such notices may be either written or printed. Notice of election.

SEC. 6. The said village of Bellevue is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts supplementary and amendatory thereto. The said village incorporated shall possess all the rights and property and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act. Re-incorporated under general law.

SEC. 7. All acts and parts of acts inconsistent with this act are hereby repealed. Acts repealed.

This act is ordered to take immediate effect.

Approved February 21, 1887.

[No. 349.]

AN ACT to amend section two of chapter four of act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, as amended by act approved June tenth, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That section two of chapter four of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, as amended by act approved June tenth, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 2. The following officers shall be appointed by the board of councilmen, on the nomination of the mayor, viz.: A controller, three city assessors, who shall be known as the board of assessors, a receiver of taxes, and a city counselor, who shall be a practicing attorney, and whose term and duties of office and compensation shall be prescribed by the common council, who shall hold their offices for the term of three years, respectively, beginning on the first day of July in each case: *Provided*, That the board of assessors shall be non-partisan, and the first three shall be composed of the present city assessors for their respective terms, and annually thereafter one member shall be appointed for the full term of three years. Also the following boards, to hold their respective offices as now provided by the several acts relating to each board, viz.: A board of public works, to be composed of three members; a board of water commissioners, of five mem- Officers to be appointed and terms of office.

Proviso.
Boards appointed.

Deputy controller appointed.

Proviso.

Deputy clerk appointed.

Further proviso.

bers; a board of inspectors of the house of correction, of four members; a board of poor commissioners, of four members; a board of fire commissioners, of four members; a board of health, of three members; and a board of Belle Isle park commissioners, of four members. There shall also be appointed by the board of councilmen, on the nomination of the controller, a deputy controller, who shall, in case of the inability of the controller to perform the duties of his office by reason of sickness, absence from the city, or other sufficient cause, be vested with all the powers and perform all the duties of the controller until the disability of the controller shall cease: *Provided, however,* That such deputy controller shall in no case have the right or power to act as controller unless the disability of the controller shall have been first declared by resolution of the common council, nor unless said deputy controller shall have first qualified by filing an official bond in such penal sum as the common council may direct, and with sureties approved by them. There shall also be appointed by the board of councilmen, on the nomination of the city clerk, a deputy city clerk, who shall, in the absence or inability to act of the city clerk, be vested with all the powers and perform all the duties of the city clerk, and who shall file an official bond in such penal sum as the common council may direct, and with sureties approved by them: *Provided further,* That in case of the death, resignation, or removal of the city clerk, the deputy city clerk shall continue to perform the duties of the office of city clerk until the next regular election, when the vacancy may be filled.

This act is ordered to take immediate effect.

Approved February 21, 1887.

[No. 350.]

AN ACT to amend sections two, three and four of act number two hundred and nine of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Capac," approved March twelve, eighteen hundred and seventy-three, and to repeal all acts or parts of acts inconsistent herewith.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That sections two, three and four of act number two hundred and nine of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Capac," approved March twelve, eighteen hundred and seventy-three, be amended so as to read as follows:

Time and place of first election.

SEC. 2. The male inhabitants of said village having the qualification of electors under the constitution of this State shall meet at the town hall in said village on the second Tuesday of April next, at nine o'clock in the forenoon, at which time and place there shall be chosen *viva voce*, by the qualified electors

there present, from among their number, two judges and one clerk of said election, who together shall constitute the board of inspectors thereof, each of whom shall, before entering upon the duties of his office, take an oath before some person authorized to administer oaths that he will faithfully and impartially discharge the duties thereof, and the said board shall conduct the said election as provided in section four of this act; at which election the following officers of the corporation shall be elected by a plurality of votes by ballot from among the qualified electors of said village, namely, one person to be president of said village; and three persons shall in like manner be elected trustees for one year, and three for two years, and annually thereafter on the first Tuesday of March a president shall be elected, as aforesaid, who shall hold his office for one year, and three trustees shall be elected who shall hold their offices for two years, and there shall also be elected one marshal, one recorder, one treasurer, one assessor and one street commissioner, who shall hold their offices one year and until their successors are elected and qualified; but if an election of the aforesaid officers shall not be made on the day when pursuant to this act, it ought to be made, the said corporation for that cause shall not be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election. The president and trustees thus elected shall constitute the village board, and a majority of the board shall constitute a quorum for the transaction of business and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of president.

Board of inspectors.

Officers and terms of office.

Election may be held at other than time designated, etc.

Village board.

President.

Oath of office.

Appointed officers.

Duty of recorder.

SEC. 3. The president and each of the other officers elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation which may be administered by the president, any trustee or any other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully discharge the duties of his office according to the best of his ability, a record of which oath shall be made and kept by the recorder; and it shall be the duty of the president and trustees on their being duly qualified to appoint one health officer, one fire warden, and they may appoint an attorney and such other officers for said village as they may deem necessary for the maintenance and preservation of the peace, order or public property of said village. Said officers so appointed shall hold their office for one year unless sooner removed by the common council.

SEC. 4. It shall be the duty of the recorder to attend all meetings of the board, keep a fair and accurate record of their proceedings and perform such other duties as shall be assigned him by

Time of opening
and closing
polls.

Notice to per-
sons elected and
when to take
office.
Acts repealed.

the by-laws and ordinances of the village. It shall also be his duty to give at least ten days' notice of the time and place of holding an election either by posting written or printed notices in three of the most public places in said village, or by causing the same to be published in some paper published in the village; and at all the elections the polls shall be opened at nine o'clock in the forenoon or as soon thereafter as may be and closed at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted and a true statement thereof proclaimed to the electors present, and the recorder shall make a true record thereof and within five days give notice to the persons elected, who shall enter upon the discharge of their duties the ensuing Monday.

SEC. 5. All acts or parts of acts inconsistent herewith are hereby repealed.

This act is ordered to take immediate effect.

Approved February 21, 1887.

[No. 351.]

AN ACT to incorporate the village of Oakley, Saginaw county.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being situated in the township of Brady in the county of Saginaw and State of Michigan, known and described as follows: Commencing at the northeast corner of section thirty-six, town nine north, of range two east, running thence west one hundred and sixty rods, thence south two hundred and forty rods, thence east one hundred and sixty rods, thence north two hundred and forty rods, to place of beginning; also commencing at the southeast corner of section twenty-five, town nine north, of range two east, running thence west one hundred and sixty rods, thence north eighty rods, thence east one hundred and sixty rods, [thence south eighty rods] to place of beginning; also commencing at the southwest corner of section thirty, town nine north, of range three east, running thence east one hundred and sixty rods, thence north eighty rods, thence west one hundred and sixty rods, thence south eighty rods, to place of beginning; also commencing at the northwest corner of section thirty-one, town nine north, of range three east, running thence east one hundred and sixty rods, thence south two hundred and forty rods, thence west one hundred and sixty rods, thence north two hundred and forty rods, to place of beginning, containing six hundred and forty acres of land according to government survey, is hereby constituted a village corporate, known and designated as the village of Oakley.

First election.

SEC. 2. The first election of officers in said village shall be held on the first Monday of April, in the year of our Lord eighteen hundred and eighty-seven at some place in said village, designated by the board of registration hereinafter named.

SEC. 3. Messrs. Amasa E. Herrington, John C. Drake and

Samuel F. Hoffman are hereby constituted a board of registration, for the purpose of registering the voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the said first [Monday] of April, eighteen hundred and eighty-seven, to register the names of all persons residents of said village, presenting themselves for registration, having the qualifications of the voters at annual township meetings.

Board of
registration.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the public places in said village, at least ten days before the time of said election, which notice may be signed by any five electors in said village.

Notice of
election.

SEC. 5. The said village of Oakley, in all things not herein otherwise provided, shall be governed by and its powers and duties defined by act number sixty-two, of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

Governed by
general law.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, on notice being given as provided in section four of this act.

Election may
be held at other
than time
designated.

SEC. 7. That the tax roll of this village shall be delivered to the village treasurer, with the warrant attached empowering him to collect such taxes and to seize and sell for delinquent taxes on account of the village, any goods, chattels or personal property upon which the assessed taxes remained unpaid, the same as if done by the village marshal, and the powers of the marshal in like cases made and provided, and for such duties, be transferred to the said village treasurer.

Tax roll and
powers and duty
of treasurer.

This act is ordered to take immediate effect.

Approved February 21, 1877.

[No. 352.]

AN ACT to incorporate the village of Reese, Tuscola county.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: The southwest quarter [$\frac{1}{4}$] and the west half [$\frac{1}{2}$] of the southeast quarter [$\frac{1}{4}$] of section seven [7], and the northwest quarter [$\frac{1}{4}$] and the west half [$\frac{1}{2}$] of the northeast quarter [$\frac{1}{4}$] of section eighteen [18], situated in township twelve [12] north, of range seven [7] east, being the township of Denmark, county of Tuscola, be and the same is hereby constituted a village corporate, to be known and designated as the village of Reese.

Territory
incorporated.

SEC. 2. The first election of officers of said village shall be held at Sherwood's hall, in said village, on the second Monday in

First election.

March, in the year eighteen hundred and eighty-seven, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election.

Board of
registration.

SEC. 3. D. J. Wakeman, L. M. Sherwood and M. G. Gardner are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet on Saturday next preceding said day of election at said Sherwood's hall, and remain in session the same hours required of the board of registration at general elections, and register the names of all persons, residents of said village presenting themselves for registration, having the qualifications of voters at annual township meetings, due notice of which registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

To give notice.

Governed by
general law.

SEC. 4. Said village of Reese shall, in all things not herein otherwise provided, be governed, and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Election may
be held at other
than time
designated.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act, an election of officers may be held at any time within one year from the time designated in said section two, on notice being given as therein required.

This act is ordered to take immediate effect.

Approved February 21, 1887.

[No. 353.]

AN ACT to revise and amend the charter of the city of Big Rapids, being amendatory of an act entitled "An act to revise the charter of the city of Big Rapids," approved March nineteenth, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact, That* so much of the township of Big Rapids in the county of Mecosta, being township fifteen [15] north, of range ten [10] west, in said county, as is included in the following descriptions, to-wit: The south half [$\frac{1}{2}$] of section two [2], the south half [$\frac{1}{2}$] of section three [3], entire section ten [10], entire section eleven [11], entire section fourteen [14], entire section fifteen [15], the north half [$\frac{1}{2}$] of section twenty-two [22], and the north half [$\frac{1}{2}$] of section twenty-three [23], in said township, is hereby organized and incorporated into a city, by the name of the city of Big Rapids.

Body corporate.

SEC. 2. The inhabitants of said city shall be a body corporate, and shall be known in law by the name of the city of Big Rapids, and shall be capable of suing and being sued, of pleading and

being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity, and in all places whatever; may have and use a common seal, and alter it at pleasure, and shall be capable of purchasing, holding and disposing of real and personal estate for the use of said corporation.

SEC. 3. The said city shall be divided into five wards. The first ward shall include all that portion of the city lying on sections fourteen and twenty-three; the second ward shall include all that portion of said city lying on sections two and eleven, and west of the Muskegon river; the third ward shall include all that portion of the city lying on sections three and ten; the fourth ward shall include all that portion of the city lying on sections fifteen and twenty-two; the fifth ward shall include all that portion of the city lying on sections two and eleven, and east of the Muskegon river. Wards.

SEC. 4. The officers of said city shall be one mayor, one treasurer, who shall be *ex-officio* collector, and one recorder, who shall be the clerk of the common council, all to be elected by ballot at the annual city election, by the qualified voters of the whole city, and each to hold his respective office for the term of one year, and until their respective successors are elected and qualified; and one city attorney, one marshal, who shall be *ex-officio* fire warden, one street commissioner, one superintendent of water-works, one city surveyor, one chief, and two assistant engineers of the fire department, to be appointed by the common council of said city on the first Monday of May in each year, or as soon thereafter as may be, and who shall hold their respective offices for the term of one year, and until their respective successors are appointed and qualified, unless sooner removed therefrom as hereinafter provided; and one supervisor, one justice of the peace, two aldermen, two members of the board of education, and one constable to be elected in each ward, by ballot, by the qualified electors of the respective wards, at the annual election, immediately preceding the time when the terms of their offices respectively expire. Said ward officers shall hold their respective offices until their successors are elected and qualified, and as follows: Aldermen and members of the board of education for two years; supervisors and constables for one year, and justice of the peace for four years; the term of office of each justice of the peace, excepting where a justice shall be elected to fill a vacancy, shall commence on the fourth day of July following his election, and each of said justices of the peace shall file his oath of office, in the office of the county clerk of the county of Mecosta, and may hold his office in any ward of said city of Big Rapids, and shall have in addition to the jurisdiction conferred upon him by this act, the general powers conferred upon a justice of the peace by the laws of this State, together with full authority to hear, try and determine causes from any part of said county of Mecosta, and between residents of any township therein. The supervisors of said city shall possess the same powers, and perform the same duties as super- Elective city officers.

Terms of.

Appointed officers.

Terms of.

Ward officers.

Terms of.

Powers of justice of the peace.

Supervisors, powers and duties of.

Appointed officers, power of council to remove.	visors of townships, relative to assessment of property, and the extending of taxes in the respective wards, and shall each represent their respective wards of the city on the board of supervisors of the county of Mecosta, with the same powers, privileges and duties of the supervisor of any township. Any person who may be appointed to any office in said city by the common council of said city, under the provisions of this act, may be removed from such office and his appointment thereto revoked by a majority vote of all the aldermen elect of said city. And in case a vacancy occurs in any of said offices from whatever cause, the said common council may fill such vacancy by appointment, except justices of the peace. Every person elected or appointed to any office under this act, except justices of the peace, shall, before entering upon the duties of his office, and within ten days after receiving notice of such election, or appointment, subscribe, and take the oath of office required by the constitution of the State, and file the same with the recorder: <i>Provided</i> , That the common council may at any time order a special election to fill a vacancy in any office, which is elective under this act: <i>Provided also</i> , That in case any person who shall be elected or appointed to fill any office under the provisions of this act, shall neglect or refuse for a period of twenty days to take and subscribe the oath of office, and to execute his official bond, when one is required, under the provisions of this act, or by any ordinance or resolution of said common council, he shall be deemed to have declined the office, and it shall be the duty of said common council to cause said vacancy to be filled according to the provisions of this act.
Vacancies, how filled.	
Oath.	
Proviso.	
Further proviso.	
First election.	SEC. 5. The first annual election to be held under this act shall be held in the several wards of the city on the first Monday of April, one thousand eight hundred and eighty-seven, at such places in each ward as may be fixed by the present common council of said city. The annual elections, after the first, shall be held on the first Monday of April in each year, at such place in each of the several wards as the common council may designate; notice whereof shall be given by the recorder, at least eight days before the election, by posting the same in three public places in each ward. The aldermen and justices of the peace in each ward shall be the inspectors of all elections held in said city, and shall choose the clerk thereof; and in case of the absence of one or more of said inspectors, the electors present may choose <i>viva voce</i> from their number one or more to fill such vacancies, to whom shall be administered the constitutional oath by either of said inspectors, or by any justice of the peace. The time of opening the polls, the manner of conducting all registrations of electors and conducting all elections held in said city, and canvassing the votes cast at the same, and determining the qualifications of the electors in the several wards, shall be the same as that of townships, except as herein otherwise provided, the word "ward" instead of township being used in the oath to be administered to an elector, in case his vote shall be challenged: <i>Provided</i> , That at such elections the said ward inspectors shall make
Annual elections after the first.	
Notice.	
Inspectors.	
Opening and closing polls. Manner of conducting elections, etc.	
Proviso.	

one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon the Tuesday next following the day of any election held in said city, the common council shall meet at the office of the said recorder, at one o'clock in the afternoon of that day, and thereupon determine who, by the greatest number of votes given in the several wards at the said election, are duly elected to fill the respective city and ward offices; and it shall be the duty of the recorder, immediately after such determination, to cause notice to be given to each of the persons elected, of his election; and each of the said officers shall, within ten days thereafter, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver the same to the city recorder, who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof in writing, and of his own election, and cause the same to be delivered to the county clerk, in the same manner as is required of township clerks by the laws of the State; and in case two or more persons shall receive for the same office an equal number, and not a plurality of votes given at such elections, the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes, who shall be considered elected to such an office.

Meeting of council.

Notice to persons elected.

Oath.

Filing of.

Proviso.

In case of tie.

SEC. 6. The mayor, recorder, and aldermen, when assembled, shall constitute the common council of said city of Big Rapids, and a majority of the whole, the mayor always being one, shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time, and the common council may be summoned to hold its meetings [meeting] at such time, and in such place within the limits of said city as the mayor, or in case of his absence or inability to act, the recorder may appoint. And the common council shall have power to impose, levy and collect such fines as they may determine and deem proper, not exceeding five dollars, for the non-attendance at any meeting of any officer of the corporation who has been duly notified to attend the same. In case of the absence of the mayor or recorder from the meeting, the aldermen present may appoint a president or recorder *pro tempore* from the members present. The mayor shall not be entitled to [a] vote, except as a presiding officer in case of a tie; and no alderman shall be allowed to vote on any question in which he shall have a direct personal interest, such interest being made to appear. But upon all other questions each alderman shall vote, unless excused by a majority of the common council.

Common council.

Meeting of.

Fines for non-attendance.

President *pro tem*.

Mayor may vote in case of a tie.

SEC. 7. The common council shall have power to appoint such other officers, not herein specially provided for, as they may deem necessary to carry into effect the powers granted by this act. The common council shall also have power to remove the treasurer of

Council shall have power to appoint other officers.

May remove treasurer.	said city for any violation of the lawful orders of said common council, or for violation of any law of this State; and in case of the death, resignation, or removal from office, or removal from the city or ward for which he has been elected, of any officer of said corporation, the common council of said city, as soon as may be, shall appoint an officer to fill such vacancy for the unexpired portion of the year, and until his successor is elected and qualified.
May fill vacancy.	And all officers so appointed shall be notified and shall qualify in the same manner as if elected to fill said office by the electors of said city: <i>Provided</i> , That the common council may at any time order a special election to fill a vacancy in any office which is elective under this act.
Notice to appointees, etc.	
Proviso.	
Council to control finances, etc.	SEC. 8. The common council of said city shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city, and may dispose of the same, and make such rules, by-laws, and ordinances in relation thereto as such common council shall deem proper and necessary. And further, said common council shall have power within said city to enact, continue, establish, modify, annul, and repeal all such ordinances, by-laws, and regulations as shall be by said common council ordained, passed, adopted, and established for the following purposes:
Council may pass laws, etc., relative to.	<i>First</i> , To prevent vice and immorality, to preserve peace and good order, to organize, maintain, and regulate a police force in said city, to prevent and quell riots, disturbances, and disorderly assemblies;
Vice and immorality. Police.	<i>Second</i> , To prohibit, restrain, or prevent persons from gaming or gambling for money or other property, with any instrument or device whatsoever, in any place in said city; to punish the person keeping or owning the building, instrument, devices, or means for such gaming, and to compel the destruction of such implements or devices, wherever the same may be found in said city; to have powers to make entrance into any place where the same may be, and to there take the same, and to arrest all persons found in such place, and to make ordinances for the punishment of all persons so found; to prevent and restrain the keeping of houses of assignation or ill-fame, and to enter into and arrest the inmates thereof, and to provide by ordinance for the punishment of all persons found in such place, and for the punishment of the owner of said building, who knowingly permits such use, or either the keeper, inmates, or owner;
Gaming or gambling.	<i>Third</i> , To forbid and prevent the vending, giving away, or other disposition of intoxicating drinks to any drunkard, minor, or apprentice, without the consent of his, or her, parents or guardian, or in violation of the laws of this State; and to prohibit, restrain and regulate the sale of all goods, wares, and personal property at auction, except in cases of sales authorized by law, and to fix and change at pleasure the amount of license fees to be paid by auctioneers, and to establish and fix the amount of fees which auctioneers may charge for selling property;
Punishment of, etc.	<i>Fourth</i> , To prohibit, restrain, and regulate all sports, exhibi-
Houses of assignation, etc.	
Punishment of.	
Liquors.	
Auctions.	

tions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and exhibitions, and to fix and change the amount of license fees to be paid to said city by all persons or corporations giving any exhibitions, or exhibiting any natural or artificial curiosities, caravans of animals, or circuses, within the corporate limits of said city;

Sports and exhibitions, etc.

Fifth. To abate or remove nuisances of any kind, to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, abate, or remove the same from time to time, as often as it may be deemed necessary for the health, comfort, or convenience of the inhabitants of said city;

Nuisances.

Sixth. To direct the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible material or substances;

Slaughter houses, etc., location of.

Seventh. Concerning the buying, carrying, selling and using gunpowder and other combustible materials, and the exhibitions of fire-works, the use of lights in barns, stables and other buildings, and to regulate and prohibit the discharge of fire-arms, within the limits of said city, and the making of bonfires in any streets, alleys, commons or yards within the limits of said city;

Gunpowder, fireworks, fire-arms, etc.

Eighth. The common council of said city shall have power to prohibit and prevent obstructions and incumbrances in, and encroachments upon the public highways, streets and alleys of said city and to remove the same, and to punish those who shall obstruct, encroach upon, encumber or maintain any encroachment upon or in any such highway, street or alley, and to require all such persons to remove every such obstruction, incumbrance or encroachment, and to punish such offender for each neglect or refusal to remove such obstruction, encumbrance or encroachment, after notice shall have been given him to remove the same. In construing this act, by any court of this State, any encumbrance, obstruction or encroachment shall be taken and considered to be a public nuisance.

Incumbrances of streets, highways, etc.

Punishment for.

Ninth. To prevent persons from, and to punish them for the racing of horses, and for immoderate driving or riding in any street or alley of said city;

Horse racing.

Tenth. To determine and designate routes and grades of any railroads built in said city, and to regulate the use of engines and cars upon railroads within the corporate limits of said city, and to establish the rate of speed at which the same may be run;

Railroads.

Eleventh. To preserve the salubrity of the waters of the Muskegon river and Mitchell creek within the limits of said city, to prohibit or regulate bathing therein, and to provide for cleansing the same of drift-wood or other obstructions, to fill up all low grounds or lots covered or partially covered with water, or to drain the same in a manner deemed expedient;

Salubrity of waters.

Bathing, etc.

Twelfth. To define by ordinance, and to change the same at pleasure what acts, vocations, or conditions shall render persons

Defining disorderly act, etc.

	disorderly, and to punish all persons declared by ordinance to be disorderly persons;
Pounds.	<i>Thirteenth</i> , To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to establish a fine or penalty to be incurred by the owner of such animals, geese and poultry, for permitting the same to run at large, and to authorize the impounding and sale of the same for the penalty incurred, and the costs of keeping and impounding the same.
Dogs.	<i>Fourteenth</i> , To prevent and regulate the running at large of dogs, and to impose taxes upon dogs, and penalties and fines upon the owners of dogs, and to prevent dog-fights in the streets of said city;
Unwholesome substances.	<i>Fifteenth</i> , To prevent any person from bringing or depositing within the limits of said city any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction thereof if any person shall have upon his or her premises such substances, or any putrid meats, fish, hides, or skins of any kind, and on his or her default to authorize the removal or destruction thereof by some officer of said city, and to inflict fines or penalties upon such persons;
Clearing of sidewalks.	<i>Sixteenth</i> , To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow or ice, dirt, wood or other obstructions. But said city shall never be liable for any damage sustained by any person in consequence of defective streets, bridges, crosswalks or sidewalks in said city, or in consequence of the neglect of any person to keep any such sidewalk clear from snow, ice or other obstructions;
Ringling of bells, etc.	<i>Seventeenth</i> , To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets;
Powers and duties of officers.	<i>Eighteenth</i> , To prescribe the powers and duties of all the officers of said city, except as herein otherwise provided, and their compensation, and the fines and penalties for their delinquencies;
Markets.	<i>Nineteenth</i> , To establish, order and regulate the markets, and to prohibit forestalling the same, to regulate the vending of wood, meats, vegetables, fruits, fish and provisions of all kinds, and to prescribe the time and place for selling the same, under reasonable fines and penalties;
Water supply.	<i>Twentieth</i> , To establish, maintain and protect public wells, pumps, reservoirs and public fountains, and to prevent the waste of water, to authorize and empower under such regulations, and upon such terms and conditions as the common council shall ordain and establish, laying of water pipes in the streets and alleys of the city, for the purpose of supplying the inhabitants of said city with water, and for the use of the city, and to regulate the supply and use of the water, to raise by tax in each year upon the taxable property of said city sufficient money to maintain the water works of said city, and to fix the rates for the use of water to be paid by the consumers thereof;
Cartmen, carts, etc.	<i>Twenty-first</i> , To adopt rules and regulations for cartmen and

their carts, hackney carriages and their drivers, omnibuses and their drivers, drays and wagons and their drivers, scavengers, porters and chimney-sweeps, and their fees and compensation, and the license fees to be paid by them into the city treasury ;

Twenty-second, To prevent runners, stage drivers and others from soliciting passengers or others to travel or ride in any stage, carriage, cab, omnibus, or any railroad car, or to go to any hotel, boarding house, or victualing house in said city ;

Twenty-third, Concerning the lighting of the streets and alleys, and the protection and safety of the public lamps ;

Twenty-fourth, To regulate and restrain hawking and peddling in the streets of said city, and to restrain and regulate pawn-brokers in said city ;

Twenty-fifth, To prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided by law ;

Twenty-sixth, To make all such by-laws and ordinances as shall be deemed necessary and proper to secure the said city and the inhabitants thereof against injuries by fire, and to prescribe the manner in which stoves with their pipes in actual use shall be put up, and the manner in which and the material of which the chimneys shall be built, and to provide for the organization of companies not exceeding in number one hundred and twenty-five persons each, and to furnish such companies with proper buildings, engines and other implements to prevent and extinguish fires. Every such company shall have power to pass by-laws for its organization and government, subject to the approval of the common council of said city, and to impose and collect such fines for non-attendance or neglect of duty of its members as may be deemed necessary and proper, and every person belonging to such company may obtain from the recorder of said city a certificate that he is a member of such company, which certificate shall be *prima facie* evidence of the membership of the holder thereof for one year from the date of such certificate. Every member of such company during his membership shall be exempt from service on juries, and military tax in time of peace, and from the payment of poll-tax.

Twenty-seventh, To prohibit and prevent the location and construction of any frame house, store, shop or other building on any streets, alleys or places in said city or within such limits in said city as the common council may from time to time prescribe ; to prevent and prohibit the removal of wooden or frame buildings from any part of said city to any lot on said streets, alleys or places, or within said limits, and the rebuilding and repairing of the same. To prevent the rebuilding or repairing of wooden buildings on said streets, alleys or places, or within said limits, when damaged by fire or otherwise ;

Twenty-eighth, Concerning the licensing of all persons in said city who are engaged in the business of carrying on a hotel, farmers' inn, restaurant, boarding house or saloon ; also all common

Proviso.	victualers and the keepers of all places where refreshments are sold or kept for the public: <i>Provided</i> , That no license shall be required from any hotel or boarding house where the exclusive business carried on is to supply meals and lodgings to boarders and transient guests and where no saloon is kept in such hotel or boarding house; but such hotel or boarding house keeper shall show such facts affirmatively by an affidavit, to be filed by such person with the recorder of said city, at or before the time for collecting such licenses; and to regulate the time and manner of collecting such licenses, and to impose punishment by fine and imprisonment, or both, for neglect or refusal to pay the fees required for such licenses, and the amount of such license may be collected in an action of debt brought in the name of the city in any court of competent jurisdiction; and to fix the time of night when all places mentioned in this subdivision shall close and the time in the morning when they may be opened;
Collecting licenses.	
Time of opening and closing.	
Stands for carriages.	<i>Twenty-ninth</i> , To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and carts and carters, and to prescribe the rate of fare and charges, and the stand or stands for wood, hay or produce exposed for sale in said city and to regulate the sale thereof; and for the purpose of carrying into effect the powers conferred in this section the common council of said city shall have power to prescribe in any by-law or ordinance made or ordained by said common council, that the person offending against the same shall be punished by fine or imprisonment in the common jail of the county of Mecosta, or by both fine and imprisonment in the discretion of the court before whom the offender shall be tried, or said common council may provide that such person so offending shall forfeit and pay a sum of money, to be recovered by said city against such person in an action of debt before any court of competent jurisdiction:
Wood, etc.	
Fines, etc.	<i>Provided</i> , That no such fine or forfeiture shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed the period of three months;
Proviso.	
Power of city to erect public buildings, etc.	<i>Thirty</i> , The city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and all other purposes necessary or convenient for the public good and the execution of the powers conferred in this act, and such buildings and grounds, or any part thereof, may be sold, leased, mortgaged and disposed of as occasion may require;
Relative to cemeteries.	<i>Thirty-one</i> , The city may acquire, protect and regulate cemeteries within the limits of said city, as such corporation may acquire, and regulate the burial of the dead therein; to make rules and regulations for the care and use thereof. The provisions of this and the preceding subdivision shall apply to all real estate now owned by said city.
Style of ordinances.	SEC. 9. The style of all ordinances passed by the common council of said city shall be: "It is hereby ordained by the com-

mon council of the city of Big Rapids." And all ordinances passed by the said common council shall be signed by the mayor and the recorder of said city, and shall be published in a weekly newspaper published and circulated in said city, for two publications in succession after the passage thereof, before such ordinance shall be of force. It shall not be necessary in any complaint, proceeding or prosecution for the violation of any ordinance or by-law of said city to state or set forth such ordinance or by-law or any of the provisions thereof, in any such complaint, warrant, process or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage, adoption or approval, and shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially and with reasonable certainty as to time and place the act or offense complained of, and allege the same to be in violation of any ordinance or by-law of said city, referring thereto by its title and the date of its passage, adoption or approval, and all laws, ordinances, rules and resolutions of the common council of said city may be read in evidence in all courts of justice and in all proceedings before any officer, board or body, in which it shall be necessary to refer thereto, either from a record kept thereof by the recorder, or from a certified copy thereof, or from any volume of ordinances purporting to have been printed by authority of the common council of said city, and such record, certified copy or printed volume shall be *prima facie* evidence of such laws, ordinances, rules and resolutions, without proof of the enactment, publishing, or any other thing concerning the same: *And provided also*, That no ordinance shall be repealed except by a vote of two-thirds of all the aldermen elect.

Signing and publication of, etc.

Statement of title of ordinance only necessary in complaint, warrant, etc.

Ordinances may be read in evidence.

From record.
From copy or printed volume.

Provido as to repeal.

SEC. 10. All meetings of the common council shall be public, and its proceedings shall be open to the public inspection at all reasonable times.

Meetings of council public, etc.

SEC. 11. The inhabitants of said city shall have the right to petition the common council.

Right of petition.

SEC. 12. The common council shall be the judge of the election and qualification of its own members, and shall [have] power to determine contested elections, to compel the attendance of absent members, to determine the rules of its proceedings and to pass all by-laws and rules necessary and convenient for the transaction of business not inconsistent with this act.

Powers of council.

SEC. 13. The common council of said city, at any of their meetings in [the] month of April in each year, may designate and appoint any one of the justices of the peace of said city, whose term of office will not that year expire, as a police justice. Such police justice shall hold his office of police justice during the pleasure of the common council, but not beyond the first Monday in May of the year next succeeding the year of his appointment, unless he shall be reappointed to said office: *Provided however*, That any appointment of a police justice as aforesaid may at any time be revoked by a majority vote of all the aldermen elect of said city

Council to appoint police justice.

Term of office.

Provido.

Bonds.	at any regular meeting of the common council, which revocation shall cause and be deemed a vacancy in said office of police justice. Before he shall enter upon the discharge of his duties as police justice he shall give a bond to the city of Big Rapids in such sum as the common council may direct, with one or more sufficient sureties to be approved by the mayor, conditioned upon the faithful performance of the duties of his office, and to truly account for and pay over all moneys which shall come into his hands belonging to the said city to the treasurer thereof on the first Monday of every month during the time he shall continue in office,
Compensation.	which bond shall be filed with the recorder. The police justice shall receive for his services as such police justice a compensation not exceeding six hundred dollars per year (or pro rata for any time less than one year) as shall be fixed and determined by the common council of said city, and such salary shall be in lieu of all other fees and charges for such services. Such police justice shall,
Jurisdiction.	except in case of his absence or inability to act, have exclusive jurisdiction to hear, try and determine all prosecutions for violation of city ordinances, to hear, try and determine all actions for the recovery of any fine, penalty or forfeiture for the violation of any of the ordinances of said city, and to punish offenders for the violation of any ordinance as in said ordinance prescribed, and the
Proceedings governed by general law, etc.	proceedings in all such actions and prosecutions shall be according to and governed by the general laws and rules of practice of this State applicable to courts of justices of the peace. In case a vacancy shall occur in the office of police justice by resignation or otherwise the common council may at any time designate and appoint some other one of the justices of the peace of said city as a police justice, who shall give the bond and perform the duties of police justice as herein prescribed.
Fees.	SEC. 14. Such police justice shall, when engaged in cases for the violation of the ordinances of said city, collect the same fees for their services as are allowed by law to justices of the peace in criminal cases, which fees and costs shall be paid into the city treasury as in this act provided. In case the common council shall fail to designate and appoint a police justice, or in case of the sickness of said police justice, his absence from the city, or other inability to discharge his duties, or during any vacancy in said office, any justice of the peace in said city shall discharge the duties of said office. All fines, costs and forfeitures which may be recovered by the city in any justice or police court for prosecution or for violations of city ordinances shall be paid by such justice into the city treasury on the first Monday of every month.
Who may act in certain cases.	And such police justice shall report on oath to the common council at the first regular meeting thereof in the months of April, July, October and January, during the time for which he shall perform the duties of such police justice, the number and names of all persons prosecuted before him for violation of any of the city ordinances and against whom a judgment shall have been rendered for any fine, penalty or costs for such violation,
Disposition of fines, etc.	
Report of justice.	

and the amount of all moneys received by him on account thereof.

SEC. 15. The common council, in addition to the other powers and duties conferred upon them by this act, shall have power to erect and provide for the erection of all needful buildings for the use of the city and to control and regulate the same; to establish and build prisons and work-houses for the confinement of offenders and to control and regulate the same; to provide for the imprisonment and confinement in said prisons and work-houses or in the common jail of Mecosta county at hard labor or otherwise, all persons liable to be imprisoned under this act or any ordinance of the common council whenever convicted of a violation thereof by a court having jurisdiction of the same; to provide for the punishment of all offenders for violations of or offenses against this act or any ordinance of the common council, by imposing fines, penalties, forfeitures and costs, or by imprisonment in the common jail of Mecosta county, or any prison or work-house in said city in the discretion of the court or magistrate before whom a conviction may be had: *Provided*, That no such fine, penalty or forfeiture shall exceed the sum of one hundred dollars, and no such imprisonment shall exceed the period of ninety days; and if only a fine, penalty or forfeiture with costs be imposed, the offender may be sentenced to be imprisoned at hard labor or otherwise until the payment thereof for a term not exceeding ninety days. The common council shall have power to provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs or for any offense under this act or any ordinance of the common council in the common jail of Mecosta county or in any prison or work-house of said city, at work or labor, either within or without the same, or upon the streets, lanes, alleys or public grounds of said city, or on any public work, under the control of the common council; to allow any person so confined for the non-payment of any fine, penalty or forfeiture, or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor; and the common council shall have power to enact, make, continue, establish, amend and repeal such by-laws, ordinances and regulations as they deem proper and necessary for the purpose of carrying into effect the powers in this act granted.

SEC. 16. The corporation of the city of Big Rapids shall be allowed the use of the common jail of Mecosta county for the imprisonment of persons liable to imprisonment under this act or the by-laws and ordinances of the common council, and where, by the provisions of this act or of any of the ordinances of the common council, now in force or hereafter enacted, a justice of the peace or magistrate is authorized to sentence offenders to imprisonment in the common jail of Mecosta county. Such justice of the peace or magistrate may in his discretion sentence such offender to be imprisoned in the common jail of Mecosta county or in any prison or work-house in said city, and at hard labor or otherwise.

Mayor, powers
and duties of.

SEC. 17. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully enforced and executed. The mayor shall be the chief executive officer of the city of Big Rapids and a conservator of the peace, and it shall be his duty, in addition to the other requirements of this act, to see that officers of the said city shall faithfully comply with and discharge their official duties; to see that all laws pertaining to the government of the said city and all ordinances and resolutions of the common council be faithfully observed and executed, and it shall be his duty to report to the common council any violations thereof. He shall from time to time give to the common council such information and recommend such measures as he shall deem necessary and expedient. The mayor shall also have power to suspend the operation of any by-law, ordinance or resolution passed by the common council, by filing a notice thereof in writing with the city recorder on the same day of the passage thereof, and if in any case where such notice has been filed as aforesaid the mayor shall, within forty-eight hours after the passage of such by-law, ordinance, or resolution, file with the recorder his reasons in writing, why such by-law, ordinance or resolution should not go into effect, then the same shall not become operative or go into effect, unless at the first regular meeting of the common council thereafter, the same shall be re-passed, without debate, by the concurring vote of two-thirds of all the aldermen elect of said city; and if so re-passed the same shall go into effect according to the terms thereof; and if such reasons in writing shall not be filed as aforesaid, then such by-law, ordinance or resolution shall have the same operation and effect as if no such notice suspending the same had been filed with the recorder as aforesaid. It shall be the duty of the recorder to communicate to the common council at its next regular meeting any paper that may have been filed with him by the mayor pursuant to the provisions of this section.

Idem.

Files, when
communicated
to council.

Mayor may
take acknow-
ledgments, etc.

SEC. 18. The mayor of said city shall by virtue of his office be authorized to take the acknowledgment of deeds and other instrument in writing, to administer oaths and affirmations, and do all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

Duties of
recorder.

SEC. 19. The recorder of said city shall be the clerk of the common council and shall give a bond for the faithful performance of his official duties in such sum as the common council may direct, with one or more sufficient sureties, to be approved by the common council, conditioned upon the faithful performance of the duties of his office, and to truly account for and pay over all moneys which shall come into his hands belonging to said city, to the treasurer thereof on the first Monday of each month during the time he shall continue in office, which bond shall be filed with the treasurer; the recorder shall occupy an office at such place as the council shall designate, which office shall be open at all reasonable hours for the accommodation of the public.

It shall be the duty of the recorder of said city to keep a record of the proceedings of the common council in a book provided him therefor, and he shall keep the books of account and such other books, receipts, papers and documents as the common council shall direct and in such form and manner as the council may order. It shall be the duty of said recorder to collect water rents, and to receipt for the same, to countersign and issue all licenses and orders when signed by the mayor, and to collect all license fees and dog-tax, to keep a correct record of all moneys collected by him and pay the same over to the treasurer of said city as herein directed, and to report the same to the common council of said city at their first meeting in each month, under oath. All reports involving the receipts or expenditures of any moneys required to be made by any officer of said city by this act or any ordinance or resolution of said common council shall be made under oath and in writing to said common council. Said recorder shall immediately upon entering upon the duties of his office nominate a deputy, who, when confirmed by the common council, shall take and subscribe the oath of office, which oath together with such appointment shall be filed with the treasurer, together with the bond of the recorder, and in case of the absence, sickness or other disability of the recorder, such deputy shall perform the duties of recorder and shall receive the same compensation as the recorder would have been entitled to receive therefor.

Deputy, duties
of.

SEC. 20. The recorder of said city shall also perform for the said city all such duties as township clerks are required by law to perform for the several townships in this State, and for such services he shall receive the same compensation as such township clerks are entitled to receive under the laws of this State, except as herein otherwise provided.

Further duties
of recorder,
compensation,
etc.

SEC. 21. All official bonds of the officers of said city, except as otherwise herein provided, shall be deposited with the recorder for safe keeping, and it shall be his duty to deliver them to his successor in office.

Official bonds,
where de-
posited.

SEC. 22. The recorder shall possess the same powers and perform and discharge the duties of mayor during the absence, inability, death or removal of the mayor, except as herein otherwise provided.

Recorder to
perform duties
of mayor.

SEC. 23. It shall be the duty of each alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereupon appointed by the mayor, presiding officer or common council, to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws or police regulations of said city; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. Each alderman in said city shall be a conservator of the peace.

Duties of
alderman.

SEC. 24. The marshal of said city shall, before entering upon the discharge of the duties of his office, give bond to the city of

Power and
duties of
marshal.

To be chief of
police.

To appoint
deputies, etc.

Idem.

Compensation.

Big Rapids, in such sums as the common council may direct, with one or more sufficient sureties to be approved by the mayor, conditioned for the faithful performance of the duties of his office, and to truly account for and pay over to the city treasurer all moneys which shall come into his hands belonging to said city. He shall be the chief of police of said city, and it shall be his duty to serve all processes that may be lawfully delivered to him for service, to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or common council and shall attend the meetings of the common council, and may command the aid and assistance of all constables and all other persons in the discharge of the duties imposed upon him by law. The marshal shall be a conservator of the peace and he may appoint such number of deputies as the common council shall direct and approve, who shall have the same powers and perform the same duties as the marshal, and for whose official acts the marshal shall in all respects be responsible; and the marshal and his deputies shall have the same power to serve and execute all processes on behalf of said city, as sheriffs and constables have by law to execute similar processes, and such deputy marshals shall be entitled to receive the same compensation therefor. The marshal shall have power and authority, and it shall be his duty, with or without process, to apprehend any person disturbing the peace, or offending in his presence against any of the by-laws or ordinances of the city, and forthwith to take such person before the police justice, or a justice of the peace of said city, to be dealt with as the by-laws, or ordinances [ordinance], or this act shall provide, and he may apprehend and imprison in the common jail of Mecosta county, or in any prison or work-house of said city, any person found drunk in any street, lane, alley, park or public place in said city, until such person shall become sober. The marshal shall perform all the duties that may be required of him by the by-laws, ordinances or resolutions passed by the common council, and it shall be his duty to prevent and remove all obstructions from the streets, sidewalks and alleys in said city and to repair all sidewalks in said city in pursuance of the ordinances and resolutions of the common council. The marshal shall be entitled to receive for his services a compensation not exceeding eight hundred dollars per annum (or pro rata for any time less than one year) as shall be fixed and determined by the common council, and such salary shall be in lieu of all fees, charges and emoluments for all services rendered by him in the performance of any of the duties of his office, in any one year, anything in this act to the contrary notwithstanding, and all fees and costs chargeable under any ordinance or other provision of law for any services performed by the city marshal, whether the same shall be performed under any ordinance of said city, or under any law of this State, or otherwise, shall be collected by said marshal and shall be by him paid into the city treasury within one month after the collection thereof, and the same shall belong to said city.

SEC. 25. It shall be the duty of each company organized to prevent and extinguish fires in said city, to keep in good order and repair its fire engine, hose, ladders and other implements, and to assemble at least once a month for the purpose of working its fire engine and examining its hose and other implements.

Fire companies,
duties of, etc.

SEC. 26. Upon the breaking out of any fire in said city it shall be the duty of the marshal and his deputies to immediately repair to the place of such fire and use their best endeavors to prevent any goods or property from being stolen or injured and in protecting, removing and securing the same, for which purpose and as chief of police he may require the assistance of a sufficient number of by-standers.

Duty of marshal
and deputy at
fires.

SEC. 27. The common council of said city shall be the board of health thereof, and it shall have power, and it shall be its duty as such board of health, to adopt measures for the preservation of the public health of said city, to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits of said city, and as such board of health it shall be its duty to adopt such measures as shall be necessary to secure the inhabitants of said city from contagious, malignant and infectious diseases.

Council to con-
stitute board of
health.

Duties of
board of health.

SEC. 28. The common council of said city shall examine, settle and allow all accounts and demands properly chargeable against said city, as well of its officers as other persons, and shall have authority to provide means for the payment of the same and for defraying the contingent expenses of said city, subject only to the limitations and restrictions in this act contained.

Council to ex-
amine and settle
accounts.

SEC. 29. The common council of said city shall have authority to assess, levy and collect taxes on all real and personal estate taxable in said city, which taxes shall be assessed, levied and collected in the same manner which is provided by law for the assessment, levy and collection of taxes in the several townships of this State; and said taxes shall be and remain a lien upon the property so taxed in the same manner and to the same extent as taxes levied and assessed under the general laws of this State. And for the purpose of defraying the expenses of this city, the common council shall raise annually by tax upon the real and personal property within said city, such sums as it may deem necessary, not exceeding, exclusive of the school taxes, one per cent on the valuation of such real and personal estate, within the limits of said city, according to the valuation thereof from the assessment rolls of the year preceding the levy of such tax: *Provided*, That the said common council shall have power to levy, assess and cause to be collected upon the real and personal estate aforesaid, in addition to the one per cent aforesaid, a tax not exceeding the sum of one per cent upon the valuation aforesaid for the purpose of paying the interest upon the bonded debt of said city, and such tax raised for such purpose shall constitute a special fund, called the interest fund, and shall not be used or appropriated for any purpose except for the purpose for which it was raised as aforesaid, or for the purpose of paying the principal of the bonded

Taxes, council
to levy and
assess.

A lien.

Amount
limited.

Proviso as to
further tax for
interest fund.

How appro-
priated.

Street and highway tax, limit of.	debt of the city. And the said common council, in addition to the taxes above mentioned, may assess, levy and cause to be collected in each ward in said city such amount of taxes for street or highway purposes as it may deem necessary not exceeding in amount one-fourth of one per cent on such valuation as aforesaid.
Assessment and collection of.	All the taxes levied and assessed in said city in pursuance of this section shall be assessed and collected upon the general assessment and tax rolls of the several wards in said city. The common council of said city at their first regular meeting in September in each year shall determine the amount of each of the several taxes provided for in this section, which determination shall be certified by the recorder of said city and delivered to the county clerk of the county of Mecosta, before the next annual meeting of the board of supervisors of said county thereafter. It shall be the duty of the county clerk of said county to place the amount so certified by the said recorder, as aforesaid, before the said board of supervisors at said annual meeting; and it shall be the duty of said board of supervisors to direct the amount of such taxes so certified by the said recorder to be spread upon the assessment rolls of the several wards of said city in pursuance of the manner provided by the general laws of this State; but all taxes levied and assessed as aforesaid for highway or street purposes shall be passed to the credit of and expended in the ward in which they may have been levied and assessed. All bridges over Mitchell creek within the limits of said city shall be built and kept in repair by and at the expense of said city. The common council of said city is hereby authorized to levy, assess and collect, in the manner above provided for the levy, assessment and collection of other taxes, a sufficient amount of tax annually upon the taxable property in said city for that purpose, which tax shall be known and designated as bridge tax, and shall be used for no other purpose.
Council to determine amount, etc.	
Certificate to county clerk.	
Duty of county clerk.	
Tax to be spread upon roll.	
Highway tax, where expended.	
Bridges.	
Bridge tax, how used.	
Extra tax.	SEC. 30. Whenever the common council shall deem it necessary to raise a greater sum in any one year, exclusive of school tax, than the amounts specified and limited in the preceding section, or shall deem it necessary to bond the city for any lawful purpose, they shall submit the question to a vote of the electors of said city, who shall determine by ballot whether the amount of money specified in such notice shall be raised or whether the city shall issue its bonds or not for the amount specified in such notice: <i>Provided</i> , That the entire amount of tax assessed and collected in any year for such purpose shall not exceed the amount of one per cent of the assessed valuation of the real and personal property of said city as per the latest assessment rolls of said city. Such vote may be taken at the annual charter election or at a special election of the electors called for that purpose, and the common council shall give at least two weeks' notice thereof in two or more of the newspapers published in said city, and by posting up notice thereof in ten or more public places in said city. Such notices shall state the amount of money which it is proposed to raise, or the amount of bonds proposed to
Manner of raising. Ballot.	
Proviso, limiting.	
Notice.	

be issued, and the object and purpose for which the same are to be expended, and shall also designate the time and place or places when and where the election shall be held. The ballots used by said electors shall have written or printed upon them, or partly written or partly printed upon them, "For the tax" or "For the loan," or "Against the tax" or "Against the loan," as the case may be, and shall be deposited in a box or boxes prepared for that purpose, and the qualification of those offering to vote shall be determined from the last annual registration lists of said city. Said election shall in all other respects except as herein mentioned, be conducted in the same manner as charter elections are conducted in said city. If such tax shall be authorized as aforesaid the recorder of said city shall apportion the same according to the valuation as aforesaid to the several wards, and shall certify the same to the supervisors of the respective wards of said city, who shall spread the same upon their respective assessment rolls and the same shall be levied and collected in the same manner as the other taxes of said city. If such loan shall be authorized, such bonds may be issued in such sums not exceeding in all the amount authorized to be raised by said vote of said electors, and payable at such times and places and with such rate of interest not exceeding six per cent per annum, as the common council of said city may direct, and shall be signed by the mayor and countersigned by the recorder of said city and sealed with the seal thereof, and shall be negotiated under the direction of the common council of said city, and the money arising therefrom shall be expended for the purpose for which it was raised and for no other purpose. Whenever any bonds shall be issued as hereinbefore authorized it shall be the duty of the common council of said city, from time to time, to cause to be assessed and levied such taxes upon the taxable property of said city as may be necessary promptly to meet and pay the interest and the principal of said bonds as the same becomes due.

Form of ballots.

Qualification of voters.

Manner of conducting elections. Tax, how apportioned.

Certificate of recorder. Manner of levying.

Bonds, limit of, etc.

Interest.

Disposition of money.

Bonds and interest, how paid.

SEC. 31. Whenever the common council shall be authorized as aforesaid by a vote of the electors of said city to raise a tax for specific or other purposes, it shall be lawful for the common council to apportion said tax to the several wards of said city, in such proportion as may seem just. The recorder shall certify to the supervisor of each ward the amount of such tax apportioned to his ward and the purpose for which it is proposed to be raised. The supervisor of each ward shall levy the same upon the taxable property of his ward in the same manner as the State and county taxes are levied; and the common council shall have power to direct the city treasurer, and the city treasurer shall, when so directed, proceed at once to collect the said tax in the same manner as provided by the laws of this State for the collection of other taxes.

Apportionment of specific taxes to wards.

Certificate of amount.

Manner of levying and collecting.

SEC. 32. Each supervisor of said city shall in each and every year make and complete the assessment of all real and personal property within his ward, in the same manner and within the same time as is required by law for the assessment of property

Duties of supervisors relative to assessments.

Manner of collecting general tax.	in the several townships of this State, and in so doing shall conform to the provisions of law governing the actions of supervisors of the several townships of this State performing like services, except as otherwise provided in this act; and all State, county and school taxes in said city, and all city taxes which shall be raised by general or special tax, shall be levied and collected, as near as may be, within the same time and in the same manner as is provided by law for the assessment and collection of taxes by township officers, unless otherwise provided in this act.
Supervisors to deliver tax roll.	SEC. 33. The several supervisors in said city shall, within the time within which supervisors of townships are required to perform like acts, deliver to the city treasurer their several tax rolls, the taxes therein extended, with the usual supervisor's warrant to the treasurer attached to each, directed to the treasurer of the city of Big Rapids, and the said treasurer shall in the collection of such taxes possess all the powers of a township treasurer, and shall proceed in the collection of such taxes in the same manner in all respects as is required by law of treasurers of townships, and may sue for taxes in all cases and in all courts of competent jurisdiction and in the same manner that township treasurers may bring suit under the general tax laws of this State, as such laws now are or may be hereafter amended.
Powers of treasurer.	SEC. 34. It shall be the duty of the treasurer of said city immediately after the second Saturday in January in each year, to proceed to collect the taxes unpaid therein, and make return thereof in like manner as is required of township treasurers and with like effect. It shall also be the duty of the treasurer to collect all highway or street taxes, capitation or poll taxes, and all special taxes assessed in said city; and said treasurer may appoint a deputy with the same powers as himself and for whose official acts the treasurer shall be responsible.
Unpaid taxes, manner of collecting.	SEC. 35. The treasurer of said city shall, before entering upon the duties of his office, file with the recorder his bond for the faithful performance of his duties as such treasurer, with [in] such amount and with such sureties as the common council shall require and approve; and such treasurer shall give to the treasurer of the county of Mecosta such other security as is now or may hereafter be required by law of the treasurers in the several townships of this State; and for the purpose of the return of all property delinquent for the non-payment of taxes, the treasurer shall possess all the powers and perform all the duties of the several township treasurers of this State as prescribed by law.
Highway poll tax, etc.	SEC. 36. The treasurer shall keep a regular account of all money received and all money disbursed by him in books to be provided for that purpose, in which the name of every person to whom money shall be paid shall be entered at length, and on what account the same is paid, which book shall at all reasonable hours be open for the inspection of any inhabitant of said city. All money received for the use of said city shall be paid into the city treasury, and no money shall be drawn from the treasury unless it shall have been previously appropriated by the
Deputy treasurer, powers and duties.	
Bond of treasurer.	
Further security.	
Treasurer, accounts of.	
Money, how drawn.	

common council for the purpose for which it shall be drawn, and the treasurer shall pay out no money but upon the written order of the mayor and recorder. The treasurer shall also make out a statement of the accounts of said city and of the different funds, and attend the meetings of the common council with his books whenever the said common council shall direct him to do so: *Provided*, That he shall make and deliver to the council of said city, on the first day of each of the months of October and March in each year, a full report of the condition of the finances of said city and of the different funds in his hands, whether directed to do so by the said common council or not.

Treasurer to
make state-
ment.

Proviso.

Sec. 37. The common council of said city shall have power to regulate the time and manner of working upon the streets, lanes and alleys of said city; to provide for the grading, planking, paving and railing of all streets, lanes, and alleys, sidewalks and crosswalks, and to prescribe the widths thereof; to open and lay out all streets, lanes and alleys, parks and public grounds, and the same to alter and vacate, and to alter and vacate those already laid out; to cause sewers, drains and vaults, arches and bridges, wells, pumps, and reservoirs to be built in any part of said city; to cause the grading, leveling and repairing of all streets and alleys, sidewalks, crosswalks, parks and public grounds in said city, and to prevent the obstruction or encumbering thereof and to remove any obstruction or incumbrance of the same.

Powers of coun-
cil relative to
streets, lanes,
sewers, etc.

Sec. 38. The common council of said city shall have full power and authority to lay out, alter, straighten, widen and improve any and all highways, streets, lanes, alleys and water courses in said city, and whenever the land of any person is required for such purposes or for any other purpose mentioned in this act the city may acquire the same according to the provisions thereof of the general laws of this State.

Idem.

Title, how
acquired.

Sec. 39. The street commissioner of said city shall, under the direction of the common council, superintend the making, grading, paving, repairing and opening of all streets, lanes, alleys, sidewalks, crosswalks or other public grounds in such manner as he may be from time to time directed by the common council. He shall give bonds in such sums and with such sureties as the common council may prescribe or direct, conditioned for the faithful performance of his duties as such street commissioner; and such street commissioner shall receive such compensation for his services in such sums as the common council may direct and allow, not exceeding the sum of six hundred dollars per annum, but the common council may authorize the marshal to repair all sidewalks and crosswalks in said city.

Street commis-
sioners, duties
of.

Bonds.

Compensation.

Exceptions.

Sec. 40. The common council shall have power to cause the expense of making, grading, paving and opening of all streets, lanes, alleys, parks, public grounds and other local improvements, to be assessed in whole or in part against the owners of lots and premises to be benefited thereby, or by general tax in whole or in part as they may deem just and proper. And when any public work is to be done in said city the common council may let the

Improvements,
how paid for.

Contracts, how
let, etc.

Council to advertise.	<p>same by contract to the lowest bidder, who in all cases shall be required to give bonds for the faithful performance of said work, said bonds to be approved by a majority of the common council elect when in session. Before any contract shall be let for doing any work as herein mentioned the common council of said city shall advertise for sealed proposals to do such work in two of the newspapers published in said city for two weeks before such contract shall be let, and in such notice the common council shall reserve the right to reject any or all bids; but when any public work mentioned in this act shall be let, the same shall be let to the lowest bidder who will furnish sufficient bonds for the performance of said contract.</p>
Contracts, to whom let.	<p>SEC. 41. Whenever the common council of said city shall determine that the whole or any part of the expenses of any public improvement, not requiring the taking of any land by the city, shall be defrayed by an assessment on the owners of houses and lands to be benefited thereby, they shall ascertain as they may think proper the estimated expense of such improvement done or to be done, and shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to the owners, specifying the sum to be assessed, and the portion of the city which they deem to be benefited by such improvements; and the costs and expenses of making the plans and assessments incidental thereto shall be included in the estimated expenses of such improvement.</p>
Special assessments on property benefited.	<p>SEC. 42. The common council, or a committee appointed by them for that purpose consisting of not less than three freeholders of the city, and not interested in any of the property so benefited, shall thereupon make an assessment upon all of the owners of lands and houses within the portion or part of the city so designated, of the amount of the expense aforesaid, in proportion as nearly as may be, to the advantage which each shall be deemed to acquire by such improvements, and shall make out an assessment roll, in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, and the amount assessed to each of them respectively; and in case such lots, or parts of lots, shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with the description of such lots or premises as is required by law in assessment rolls made by supervisors of townships, with the value thereof, and the amount assessed therein, which assessment roll shall then be returned and filed with the recorder of said city.</p>
Manner of making assessment.	<p>SEC. 43. Upon such return being made and filed, the recorder of said city shall cause notice thereof to be published once a week in at least one newspaper published in said city, for two weeks in succession, stating the names of the persons assessed, or, in case of non-residence, the owners whose names are unknown, a brief description of the premises taxed shall be inserted, and that at a certain time and place to be designated in said notice, the com-</p>
Return of assessment roll.	

mon council will meet and review said assessment roll on a request of any person conceiving himself aggrieved.

SEC. 44. The common council shall at the time and place in said notice specified, or at some session thereafter, take said assessment into consideration, and may rectify or amend said assessment roll in whole or in part, or may set the same aside and direct a new assessment without any corrections, or with such corrections therein as they may think proper; and when such assessment roll shall be completed and ratified and confirmed by the common council the recorder shall endorse thereon, or annex thereto, his certificate that such assessment roll was ratified and confirmed by the common council, and the date of such confirmation.

Review of
assessment.

Certificate of
recorder.

SEC. 45. Every assessment so ratified and confirmed by the common council as aforesaid shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been ratified and confirmed the mayor and recorder, or either of them, shall affix to such assessment and tax roll a warrant for the collection thereof, signed by them, or either of them, under the seal of said city, which warrant shall be directed to the treasurer of said city commanding him to collect the same within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date of said warrant; and the said assessment and tax roll with said warrant annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall, within the time mentioned in the said warrant, or within such further time as the common council shall allow, be authorized to levy and collect the same by distress and sale of the personal estate of the person owning the premises so assessed, and for want thereof the real estate so assessed, returning the surplus, if any, after deducting the amount taxed together with interest, costs and charges of sale, to the person against whose property such tax shall have been assessed. But in case of lands, tenements and hereditaments owned by non-residents, no demand of payment of taxes assessed thereon of such owners shall be necessary prior to a levy and sale thereof, or prior to the levy and sale of the property of such non-residents: *Provided*, That whenever any real estate shall be sold by said treasurer notice thereof shall be published once a week in some newspaper published in said city at least six consecutive weeks immediately preceding the time of such sale. Such notice shall state the amount of such tax together with the description of the premises to be sold and the name of the owner thereof if known; and said treasurer shall be allowed to collect Costs. in addition to the amount so assessed, such costs for publication as are now allowed by law for publishing notices of tax sales in the several counties of this State, and such other costs and charges as are now allowed by law to township treasurers in case of distress and sale of personal property. The treasurer on such sale, shall give to the purchaser or purchasers of [any] such lands a certificate in writing describing the lands so purchased, the amount paid and the time when the purchaser thereof will

Assessment a
lien, etc.

Warrant to be
affixed.

What to con-
tain.

When roll shall
be delivered.

Treasurer shall
levy and collect.

Proviso.

Notice.

Certificate
of sale.

Redemption.	be entitled to a deed for said land; and if the said lands are not within one year from the date of such sale redeemed by the payment to the treasurer of said city for the use of the purchaser, his heirs or assigns, of the sum mentioned in such certificate, with interest thereon at the rate of twenty per cent per annum
Conveyance.	from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said year, execute to the purchaser or purchasers, his or their heirs or assigns, a conveyance of the lands so sold and the said conveyance shall be <i>prima facie</i> evidence that the sale and all the proceedings therein prior to such sale were regular; and every such conveyance executed by said treasurer under his hand and seal, acknowledged and recorded, may be given in evidence in the same manner as a deed of conveyance regularly executed, acknowledged and recorded. Every sale of both real and personal estates made under and by virtue of this act shall be at public auction at some public place within said city to be specified in the notice of sale, and shall take place between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, and the land or other property so sold shall be struck off to the highest bidder; and all personal estates sold upon said tax sales shall be upon a notice of not less than six days, which notice shall be posted up in three or more public places within said city; and at every sale made under the provisions of this section the said city may become the purchaser, subject to all liabilities and obligations of other purchasers.
All sales by auction.	
Hours of sale.	
Notice of sale of personal & estate.	
City may become purchaser.	
Special assessments.	SEC. 46. The common council of said city shall have power to make all such by-laws and ordinances relative to any special assessment or tax in said city as they may deem necessary to levy and collect such tax in all cases when the manner of levying and collecting such tax is not provided for in this act: <i>Provided</i> , That such by-laws and ordinances are not inconsistent with any of the provisions of this act: <i>And provided also</i> , That whenever any person shall be improperly designated as the owner of any lot or premises in proceeding under this act, or any of the by-laws or ordinances of said city relative to any special assessment, such tax or assessment shall not for that cause be vitiated, but the same shall be a lien upon such lot or premises, and shall be collected as in other cases
Proviso.	
Further proviso.	
Proceeds of sale to whom paid.	SEC. 47. The net proceeds of the sales of all property delinquent for the non-payment of city taxes, and of all sums paid to the county treasurer before sale on account of property returned delinquent for non-payment of city taxes, shall be paid to the treasurer of said city by the treasurer of Mecosta county whenever required by said city treasurer.
Power of council relative to meetings.	SEC. 48. The common council shall have authority to make all by-laws and ordinances relative to the calling of the meetings of electors of said city for all purposes; to provide for the collection and disposition of all fines and penalties which may be incurred under the by-laws and ordinances of said city; to regulate the setting of awning and other posts and shade trees in the streets and to compel the removal of those which are improperly
To fines.	
Posts, trees, etc.	

placed therein, and to make all other by-laws, ordinances and regulations for the purpose of carrying into effect the powers conferred by this act which they may deem necessary; to provide for the safety and good government of the city, and to preserve the health and protect the property of the inhabitants thereof; and to this end, the common council may impose fines and penalties for the violation of the by-laws and ordinances which may be made by them as aforesaid: *Provided*, That no by-law or ordinance shall impose a fine exceeding one hundred dollars, nor subject the offender to imprisonment in the county jail exceeding three months.

Government,
health, and
property.

To fines, etc.

Proviso.

SEC. 49. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace of said city shall, before entering upon the duties of his office, execute a bond to the city of Big Rapids, in its corporate name with sureties to be approved by the common council in the penal sum of one thousand dollars, conditioned for the faithful performance of his duties as a justice of the peace for said city, and to pay over all moneys so collected or paid to him as such, which bonds shall be filed in the office of the recorder of said city.

Additional
bonds of justice.

SEC. 50. All fines imposed by any by-law or ordinance of the common council may be sued for by the attorney of the city in the corporate name of the city, before any justice of the peace in said city, and whenever any fine shall be imposed by any justice of the peace for a violation of any ordinance of the common council, it shall be the duty of the justice forthwith to issue execution to the marshal of the city or any constable commanding him to collect of the goods and chattels of the person so offending the amount of such fine, with the interest and costs, and for the want of goods and chattels wherewith to satisfy the same, that he take the body of the defendant and commit him to the common jail of the county, and the sheriff shall safely keep the body of the person so committed until he be discharged by due course of law, and the defendant shall remain imprisoned until the execution with the fees of the sheriff shall be paid: *Provided*, That the common council may remit such fine, in whole or in part, if it shall be made to appear that the person so imprisoned is unable to pay the same.

Fines, how
collected.

Proviso.

SEC. 51. In all suits in which the city of Big Rapids shall be a party or shall be interested no inhabitant of said city shall be deemed incompetent as a witness or juror on account of his being a resident of said city.

Competency
of witnesses and
jurors.

SEC. 52. In all trials before any justice of the peace of any person charged with the violation of any by-law or ordinance of the common council, either party shall be entitled to a jury of six persons; and all proceedings for the summoning of such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceedings in similar cases before justices of the peace; and in all cases, civil and criminal, the right of appeal from the justice court to the circuit court for the county of Mecosta shall be allowed in the same manner as is

Right of trial
by jury.

Manner of con-
ducting and
right of appeal.

provided for appeals from justices court to the circuit court by the general law of this State.

Poll tax.

SEC. 53. The common council shall have power to assess and cause to be collected from every male inhabitant of said city over twenty-one years of age, not exempt by the laws of this State, an annual capitation or poll tax not exceeding one dollar, and may provide by ordinance for the collection of the same.

Council to perform same duties as township board.

SEC. 54. The common council of said city is hereby authorized and required to perform the same duties in and for said city as are by law imposed upon the township boards of the several townships of this State in reference to schools, school taxes, county and State taxes, the support of the poor, and State, district and county elections; and the supervisors, justices of the peace, recorder and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bonds, perform like duties and receive the same pay, and in the same manner, and be subject to the liabilities as provided for by the corresponding township officers, except as otherwise provided in this act.

Oath and bond of other officers.

Relative to dangerous buildings, etc.

SEC. 55. Whenever in the opinion of the common council any building, wall, fence or other erection of any kind, or any part thereof is dangerous to property or person, or is liable to fall down, they may order any owner or occupant of the premises upon which such building, wall, fence or other erection stands, to take down the same or any part thereof within a time to be fixed by the order, and in case such order is not complied with by such owner or occupant, may cause the same to be taken down at the expense of the city, and assess the expense of taking the same down upon [on] the land upon which it stood; and the common council may provide by ordinance for the punishment of such owner or occupant by fine or imprisonment, or both, in the discretion of the court before which the cause is tried for the violation of such order, and also for the sale of the premises for the costs and the expenses of removing such building, wall, fence or other erection.

Punishment for refusal to remove, etc.

Powers of chairman of committees.

SEC. 56. The chairman of any committee or special committee of the common council shall have power to administer oaths, or take affidavits, or issue subpoenas to procure the attendance of witnesses in respect to any matter pending before the common council or such committee, and may compel the attendance of any person as a witness for that purpose; and said common council may provide by ordinance for the punishment of any person who, being duly subpoenaed, shall refuse or neglect to appear in pursuance of such subpoena.

Processes against city, how served.

SEC. 57. All processes issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving a true and certified copy with the mayor, recorder, or city attorney of said city at least ten days before the day of appearance therein mentioned.

Obligations, bonds, etc., how issued.

SEC. 58. No bond or other obligation or evidence of indebtedness of said city shall be given or issued by said city, nor by any officer thereof in his official capacity, whereby the said city shall

become obligated to pay any sum of money, except as expressly provided in this act; but the common council shall audit and allow such amount as shall be just and right on all bills and accounts presented to said common council for the current expenses of said city. Whenever any such claim as aforesaid shall have been audited and allowed the mayor and recorder shall draw an order upon the city treasurer for the amount so allowed, which order may be payable either upon a day therein specified or upon demand, and shall be delivered to the person to whom it is payable, or to his agent or attorney; and if, upon presentation to the treasurer, there shall not be sufficient funds in his hands to pay the same, he shall indorse across the face thereof in [with] ink his name, together with his official title, and the date of such presentation, and such order shall [then] draw interest at the rate of seven per cent per annum from the date of such indorsement till it shall be paid, which interest shall be paid at the same time the principal sum named in such order is paid. To appropriate money, or to fix or to change the salary of any city officer, or to authorize the issuing of any order for the payment of any claim, bill, or account audited by the common council, a majority vote of all aldermen elect, or four aldermen and the mayor (the mayor only voting in case of a tie) shall be necessary.

Council to allow accounts, etc.

Who to draw orders.

Indorsement of.

Interest on.

Appropriations, etc., require majority vote of council.

SEC. 59. Compensation may be paid out of the city treasury [as follows], not exceeding the following amounts for each year: Recorder, six hundred dollars; police justice, six hundred dollars; treasurer, onethousand dollars; city attorney, six hundred dollars; marshal, eight hundred dollars; street commissioner, six hundred dollars; city surveyor, such sums per day as the common council shall fix upon each year; justices of the peace and constables shall receive such fees as are allowed by law to corresponding township officers; mayor and aldermen of said city for each attendance of common council meeting when present at roll call, two dollars. The several sums mentioned in this section shall be in lieu of all other fees. All other officers elected or appointed to office in said city shall receive such compensation as the common council shall allow.

Compensation of city officers.

SEC. 60. The common council shall in the month of March in each year make out a detailed statement of all the receipts and expenditures of the corporation for the past year, which statement shall state particularly upon what account all moneys were received, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which the appropriation was made; such statement shall be signed by the mayor and recorder, and recorded in the records of the common council, and filed in the recorder's office; a copy thereof shall be published in a newspaper printed in the city once a week for at least two weeks in succession.

Annual statement, contents of.

Publication of.

SEC. 61. The common council shall also have full power to require by resolution or ordinance the owners or occupants of lands at their own expense to repair, construct, make, pave, plank or gravel and curb and rail all sidewalks adjoining said lands

Council may require owners or occupants to construct sidewalks, etc.

within such reasonable time as they may direct, notice of which action shall be given to the owners or occupants of said lands, in such manner as they shall direct. And if the same are not completed within the time so ordered it shall be lawful for the common council to cause the same to be constructed forthwith; and the said common council shall have full power and authority to provide by such ordinance or resolution for collecting the costs and expenses thereof by assessment, in such manner as shall be prescribed by said ordinance or resolution, which assessment shall be a lien until paid, on the lot, lots, or premises on which the same are assessed.

This act to be a public act.

SEC. 62. This act shall be deemed to be and be a public act, and shall be favorably construed by all courts. All lawful existing ordinances and resolutions heretofore passed by the common council of said city that are not contrary to the provisions of this act shall be and continue in force until the same shall be repealed or rescinded by the common council of said city.

Schools.

Board of education.

SEC. 63. The city of Big Rapids shall constitute a (one) school district. The members of the board of education shall be a body corporate by the name and style of "The Board of Education of the City of Big Rapids," and by that name may sue and be sued, and shall be subject to the laws of this State relative to corporations that may be applicable thereto. They shall hold and control all moneys, real and personal property, or other rights belonging to said school district, and shall use and expend the same solely for the benefit of the common school or schools within said city.

Shall hold moneys and property and use the same.

Board of education, meetings of.
Quorum.
Duties of.

SEC. 64. The board of education shall meet from time to time at such place in said city as they may designate. A majority of all the members shall constitute a quorum. They may elect from their number a president, clerk and treasurer. The said board shall keep a record of their proceedings, which shall be signed by the president and clerk, and any proceedings of said board, certified by the president and clerk, shall be evidence of the facts therein contained. The justices of the peace shall have jurisdiction over all prosecutions for the violations of the by-laws and ordinances passed by said board.

Justices to have jurisdiction.

Power of board of education.

SEC. 65. The board of education shall have full power and authority, and it shall be their duty—

Sites and buildings.

First, To purchase sites and build school-houses in said city, except as hereinafter provided;

High school.

Second, To establish a high school in said city;

Superintendent.

Third, To appoint a superintendent of the common schools in said city, under charge of said board, with such compensation as they shall deem proper, and with such powers and duties as they shall prescribe, and it shall be his duty to act as clerk of said board if required;

Library.

Fourth, To establish a school library in said city and designate a [the] place or places where the same shall be kept, and to appoint a librarian who shall not be entitled to any compensation for services as such librarian;

Fifth, To apply for and receive from the county or city treasurer or other officers all moneys appropriated or belonging to the primary school fund of said city, or for library purposes, and to expend the same according to law; Public money.

Sixth, To make by-laws and ordinances for taking the census of the children of said city; for making reports and all things that shall be necessary to draw the proportion of the primary school fund belonging to said city, for the visitation of schools and the length of time school shall be taught, which shall not be less than nine school months in each year; for the employment and examination of teachers and their powers and duties; for the regulations of schools, and the books to be used therein; for the appointment of necessary officers, and to prescribe their powers and duties; for all necessary purposes that may advance the interest of education in said city and the good government and prosperity of the public schools. School census.
Primary money.
Visitations.
Terms.
Employing teachers.
Books.
Offices.
Other purposes.

SEC. 66. The treasurer of said city shall collect the money and keep all school funds belonging to said city separate from all other funds, and he shall pay over to the treasurer of said board all moneys on the order of said board; he shall report to the board the condition of the school fund whenever requested by them. Duty of treasurer relative to school funds.

SEC. 67. The board of education of said city are hereby authorized, and it shall be their duty once in each year, to ascertain and determine by resolution passed at a regular meeting of said board by a vote of a majority of all the members the sums necessary and proper for any and all the following purposes: Duty of board of education to determine amount necessary, etc.

First, To lease, enlarge, alter, improve and repair school-houses and their out-houses and appurtenances; Lease, repair, etc.

Second, To purchase, exchange, improve or repair school apparatus, books, furniture and appendages; Purchase, etc.

Third, To procure fuel and defray the contingent expenses of the schools and the expense of the school library of said city and the necessary contingent expenses of said board; Procure fuel, etc.

Fourth, To purchase books for the school library of said city to an amount not exceeding one hundred dollars in any one year; Library books.

Fifth, To pay teachers' wages after the application of public moneys, which may by law be appropriated and provided for that purpose, and the amounts so determined by said board shall be submitted by them to the voters of said district at the annual school meeting, or at a meeting regularly called for that purpose, and the voters present at such meeting shall determine by a majority of the voters present whether said sum or any part thereof shall be raised on the taxable property of said district, and the clerk of the board of education shall certify to the city recorder, whose duty it shall be to apportion the same to the several wards, and to certify the amount so apportioned to the supervisors of the respective wards, whose duty it shall be to assess, in addition to the ordinary city taxes the sums so ascertained and determined by said meeting, and the said supervisors, whose duty it shall be to assess the ordinary city taxes, shall levy Pay teachers.
Amounts to be submitted to voters.
Votes to determine.
Clerk of board to certify.
Duty of supervisor.

the sums so certified to them upon the taxable property of the said city in the same manner and at the same time as the State and county taxes are levied.

Duty of treasurer of board.

SEC. 68. The treasurer of said board shall have charge of all moneys or funds belonging to the board, and he shall pay them out only upon the order of said board, signed by the president and countersigned by the clerk thereof. Said treasurer shall give bonds with good and sufficient sureties to be accepted by said board for at least double the amount of moneys entrusted to his hands for the faithful discharge of his duties.

Bonds.

Proceedings relative to building.

SEC. 69. Whenever the said board shall from time to time determine by resolution what sum or sums of money may be necessary to erect school buildings, or a school building on block sixty-three of "Warren & Bronson's subdivision of the city of Big Rapids," or other buildings used for school purposes in said city, such sum, or such part thereof as they may deem necessary, shall be assessed and levied on the real and personal property of said city for such building purposes, to be collected as other school moneys and applied by said board for building as aforesaid: *Provided*, Said resolution shall have been first approved by said school district, to be determined by a majority of the votes cast in said district at a regular city election, or at a school meeting of said district, called by said board for that purpose, said meeting to be called in the same manner as is provided by law in school districts in this State.

Proviso.

Vacancies in school board, how filled.

SEC. 70. In case of a vacancy of the office of a member of said board the same shall be filled by appointment, by a majority of said board, of a person from the ward in which such vacancy exists, which appointment shall be until the next annual election and until his successor is elected and qualified.

Qualified voters at school meetings.

SEC. 71. Every person of the age of twenty-one years who shall have property liable to assessment for school taxes in said district, and shall have paid taxes thereon for the preceding year and shall have resided in any ward in said district three months next preceding such election, shall be a qualified voter in said ward at such meeting or election upon all questions pertaining to the public schools that may be submitted; and all other persons who are twenty-one years of age and are the parents or legal guardians of any children included in the school census of the district for the preceding year and who have for three months as aforesaid been residents of such ward shall be entitled to vote at such meeting or election for the election of school officers and on all questions which do not directly involve the raising of money by tax or issuing bonds. No person not herein designated shall be qualified to vote at any school meeting or election of school officers held in said city. Any qualified voter under the provisions of this section (and no other person) shall be eligible to election or appointment to any office in said district. The common council of said city shall provide a separate ballot box for each polling place in said city, to be used for the reception of all ballots that may be cast at any election of any school officer held

Qualification of school officers.

Ballot box.

under the provisions of this act; and all ballots cast for such officer shall be printed or written, or partly written and partly printed on paper separate from any other ballot and shall be deposited in said ballot-boxes by themselves, but shall be canvassed and the result declared in the same manner as other ballots are canvassed and declared, and all proceedings at such elections shall be had as near as may be as are had and provided by the general laws of this State for holding elections, except as herein changed. If any person offering to vote at any election for school officer held in said district shall be challenged as unqualified by any legal voter in such district, the chairman presiding at such meeting, or election, shall declare to the person the qualifications of a voter under this act, and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said chairman shall tender to said person an oath in substance as follows: "You do solemnly swear (or affirm) that you are twenty-one years of age, that you have been for the last three months an actual resident of this school district, and that you have property liable to school tax and that same was assessed to you on one of the last assessment rolls of said district;" and every person taking such oath shall be permitted to vote at any election or school meeting upon all questions pertaining to school matters. Or said person may take the following oath, to-wit: "You do swear (or affirm) that you have been for the last three months an actual resident of this school district and the ward in which you now reside and offer to vote, and that you are the parent or legal guardian of one or more children now included in the school census of this district," and said person at any election for school officers to be elected according to the provisions of this act, and at any meeting, upon all questions which do not directly involve the raising of money by tax or by issuing of bonds. If any person so challenged shall refuse to take such oath his vote shall be rejected, and any person who shall wilfully take a false oath or make a false affirmation under the provisions of this section shall be deemed to be guilty of perjury. When any question is taken in any other manner than by ballot a challenge immediately after the vote has been taken shall be deemed to be made when offering to vote and treated in the same manner.

Form of ballot.

Canvassing ballots.

Challenge.

Oath.

Idem.

False oath deemed perjury.

Challenge on vote other than ballot.

No member of board of education to be interested, etc.

Sec. 72. No member of the board of education shall be directly or indirectly interested in any contract as principal, surety, or otherwise, the expenses or consideration whereof are to be paid under any act or ordinance of said board of education, nor be surety or bondsman on any contract or bond given to said city or board of education.

This act is ordered to take immediate effect.

Approved February 21, 1887.

[No. 354.]

AN ACT to incorporate the city of Midland.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, to wit: Entire section sixteen [16] and entire section seventeen [17], the north half [$\frac{1}{2}$] of section twenty [20] and twenty-one [21], the north half [$\frac{1}{2}$] of the south-east quarter [$\frac{1}{4}$] and all that part of the northeast quarter [$\frac{1}{4}$] of southwest quarter of section twenty-one [21] lying east of the Tittabawassee river, township fourteen [14] north, of range two [2] east in Midland county, Michigan, according to the original government survey, be incorporated into, and the same is hereby made, constituted and organized into a city to be known by the name of the city of Midland.

Boundaries of
first ward.

SEC. 2. The city shall be divided into four wards. The first ward shall include all that portion of the city lying between the Tittabawassee river and south of the east and west eight line of the south half of section sixteen and easterly of George street.

Second.

The second ward to include all that portion of the territory of said city not included in the first ward lying easterly of the following line: Commencing on the river on the easterly line of Fitzhugh street, running thence northeasterly along the said easterly line of Fitzhugh street to where it intersects with the east and west quarter line of said section sixteen, thence east on said quarter line to the north and south quarter line of said section sixteen, thence north to the northern boundary of said village.

Third.

The third ward shall include all of the remaining territory of said village lying north of the Tittabawassee river and west of the said westerly boundary line of said ward two. The fourth

Fourth.

ward shall include all territory south of said Tittabawassee river.

Elective city,
officers.

SEC. 3. The following city officers, viz.: a mayor, city clerk, city treasurer, three school inspectors and two justices of the peace shall be elected by the qualified voters of the whole city.

Ward officers.

SEC. 4. In each ward a supervisor, two aldermen and a constable shall be elected.

Appointed
officers.

SEC. 5. The following officers shall be appointed by the council, viz.: a marshal, who shall be *ex-officio* city collector, a street commissioner, a city attorney, a city surveyor, a chief of the fire department.

Council to designate
police justice.

SEC. 6. The council shall also, at the time for making the annual appointment of the city officers, designate the justice of the peace of said city who shall be termed police justice, and

Term, power
and duties of
police justice.

such designation shall hold for one year unless sooner revoked by the council. Such police justice shall have exclusive jurisdiction to hear, try and determine all actions and prosecutions for the recovery and enforcement of fines, penalties and forfeitures imposed by the ordinances of the city and to punish offenders for the violation of such ordinances as in the ordinances prescribed and directed: *Provided*, That in case of the sickness, absence from the city, or inability of said police justice to hear and determine any cause, then any justice of said city may hear

Proviso.

and determine the same: *And provided further*, Said police justice may transfer any cause pending before him to any other justice of said city for any of the above causes; and in case the above cause exist as to all of the justices of said city, then any justice of the peace of the township of Midland in said county shall have jurisdiction to hear and determine the same.

Further proviso.

SEC. 7. The justices of the peace elected at the first city election shall hold their offices one for a term of two years and one for a term of four years. The time for which each shall be elected shall be designated upon the ballots cast for him. After the first election one justice of the peace shall be elected every two years for the term of four years.

Term of justices of the peace and manner of election.

SEC. 8. The police justice of the city shall receive such salary as the city council shall prescribe, and all fines, penalties and costs by him levied and collected shall be turned over to the city treasurer and his receipt therefor filed with the city clerk.

Salary of police justice.

SEC. 9. The mayor, city attorney and the supervisor of each ward, shall in addition to their other duties and powers be *ex-officio* members of the board of supervisors of Midland county and shall each have all of the rights, privileges and powers of the several members of such board of supervisors.

Members of the board of supervisors ex-officio.

SEC. 10. For the purpose of assessing and levying taxes in the city each ward shall be considered the same as a township for the purpose of equalizing the several rolls of said city for the board of review, and for equalizing the same as to county and State taxes by the board of supervisors, and for collecting taxes and returning property for the non-payment thereof, the whole city shall be regarded as a township, and the city collector shall perform the same duties and have the same powers as a township treasurer, so far as may be necessary to perform faithfully his duties as such collector.

Assessment of taxes.

Equalizing taxes. Collecting and return of unpaid taxes.

SEC. 11. The said city of Midland shall in all things not herein otherwise provided be governed by and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-nine, eighteen hundred and seventy-three, which act is hereby made and constituted a part of the charter of said city of Midland except as herein otherwise provided: *Provided*, That the mayor, aldermen and chief of the fire department of said city shall serve without compensation: *And provided*, That the sum raised for general tax for city purposes (exclusive of the sums raised for school and school purposes) shall not in any one year exceed one per cent on the assessed value of all the real and personal property in said city made taxable by law: *And provided further*, That chapter twenty-eight of said act, relating to education and the powers and duties of a board of education, shall not be applicable to the city of Midland, and that school districts numbers three and six of the township of Midland and the present limits thereof shall be in no way affected by this act, but the same and each of them shall continue as here-

Governed by general law.

Proviso as to compensation of certain officers. Proviso as to tax.

Further proviso as to school districts.

tofore subject to and governed by the general statutes of this State relating to schools and school districts; and taxes for school purposes therein shall be assessed and collected in all respects in pursuance of existing statutes relating to fractional school districts, and the clerk and school inspectors of said city and supervisors of the wards therein shall in relation to said school districts and in the assessment and collection of such taxes perform the same duties required of like officers in townships.

This act is ordered to take immediate effect.

Approved February 21, 1887.

[No. 355.]

AN ACT to amend section twelve of act number two hundred and sixty-six of the session laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the village of Hudson," and all subsequent amendments of said section.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twelve of act number two hundred and sixty-six of the session laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the village of Hudson," and all subsequent amendments of said section, be and the same is hereby amended so as to read as follows:

Vacancies,
how filled.

SEC. 12. Vacancies in any office shall be filled by appointment by the council within twenty days after such vacancy shall occur: *Provided*, That the term of office of any trustee so appointed shall terminate at the ensuing annual village election.

proviso.

This act is ordered to take immediate effect.

Approved February 22, 1887.

[No. 356.]

AN ACT to re-incorporate the village of Ithaca, county of Gratiot.

Territory re-
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all those certain pieces or parcels of land situated and being in the township of Ithaca in the county of Gratiot and State of Michigan and described as follows, to-wit: The northwest fractional quarter of section six in township ten north of range two west; and also the southwest quarter and the west half of the southeast quarter of section thirty-one in township eleven north of range two west; also the northeast quarter and east two-thirds of the northwest quarter of section one in township ten north of range three west; and the southeast quarter of section thirty-six in township eleven north of range three west, be and the same is hereby constituted a village corporate by the name of the village of Ithaca.

SEC. 2. That the first election for officers of said village shall be held on the first Monday of March in the year of our Lord eighteen hundred and eighty-seven, at the council room in said village, notice of which shall be posted in three public places in said village by the board of registration hereinafter appointed at least ten days previous thereto.

First election
of officers.

Notice.

SEC. 3. The president, clerk and one or more of the trustees now holding office in said village are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and also inspectors of said election, and said board of registration are hereby required to meet at the council rooms in said village on the Saturday preceding the said first election day, and register all persons presenting themselves for registration and having the qualification of voters at township elections, due notice of which shall be given by said board in the same manner and time as prescribed in the preceding section.

Board of
registration.

Meeting and
proceedings.

SEC. 4. The president of said village shall receive compensation for his services the sum of two dollars for every regular meeting of the council of said village at which he is in attendance, but such compensation shall not exceed fifty dollars per year, and each of the trustees shall receive one dollar for every regular meeting of the council at which he is in attendance, but such compensation shall not exceed the sum of twenty five dollars per year for each trustee.

Compensation
of officers.

SEC. 5. The said village of Ithaca shall, in all things not herein otherwise provided, be governed by, and its powers and duties defined by "An act granting and defining the powers and duties of incorporated villages," approved April first in the year of our Lord eighteen hundred and seventy-five, and the amendments thereto.

Governed by
general law.

SEC. 6. Said village of Ithaca as re-incorporated shall own and possess all the property and rights of whatever kind or nature and be subject to all the liabilities and obligations of said village as heretofore incorporated.

Rights and
liabilities to
continue.

SEC. 7. The officers [offices] of said village shall continue to be held by the present incumbents thereof until their successors shall be elected and qualified; and all orders, resolutions, by-laws and ordinances of said village now in force are hereby continued in force until the same shall be changed or repealed.

Present officers
to continue in
office, and by-
laws, etc., con-
tinued in force.

SEC. 8. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held [had] at any time within one year from the time designated in said section on notice being given as hereinbefore provided.

Election may
be held at other
than time
specified.

SEC. 9. Act number two hundred and seventy-seven of the session laws of eighteen hundred and seventy-seven, entitled "An act re-incorporating the village of Ithaca," approved March twenty-six, eighteen hundred and seventy-seven, be and the same is hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved February 22, 1887.

[No. 357.]

AN ACT to authorize the village of Cedar Springs in the county of Kent to borrow money to make public improvements in said village.

To borrow
\$5,000.

Proviso.

Bonds, how
issued, etc.

Money, how
appropriated.

Bonds, how
paid.

SECTION 1. *The People of the State of Michigan enact, That* the common council of the village of Cedar Springs in the county of Kent, Michigan, be and are hereby authorized and empowered to borrow money on the faith and credit of said village and to issue bonds therefor to an amount not exceeding five thousand dollars, which shall be expended in making public improvements in said village of Cedar Springs: *Provided, That* a majority of the qualified electors of said village voting at an election to be called in conformity with the requirements of act number two hundred and twenty-six of the session laws of eighteen hundred and seventy-one, as amended by act number two hundred and ninety-three of the session laws of eighteen hundred and eighty-three, shall vote in favor of said loan in the manner specified in said act and the amendment thereto, and not otherwise.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding five thousand dollars, and payable at such times, with such rate of interest not exceeding five per cent per annum, as the common council shall direct, and shall be signed by the president and countersigned by the recorder and sealed with the seal of said village, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid; and the said common council shall have power and it shall be their duty to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and interest thereon as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved February 22, 1887.

[No. 358.]

AN ACT to detach the county of Gogebic from the twenty-fifth judicial circuit and to attach the same to the twelfth judicial circuit in the State of Michigan.

Attached to
twelfth judicial
circuit.

SECTION 1. *The People of the State of Michigan enact, That* the county of Gogebic be and the same hereby is detached from the twenty-fifth judicial circuit and attached to the twelfth judicial circuit in the State of Michigan.

This act is ordered to take immediate effect.

Approved February 23, 1887.

[No. 359.]

AN ACT to amend section five of an act entitled "An act to amend sections one, two and three of an act entitled 'An act to fix the boundaries of union school district number one of the city of Jackson and to authorize said district to raise money by taxation,' approved February fifteen, eighteen hundred and fifty-nine, and to add five new sections to stand as sections four, five, six, seven and eight," approved April twenty-second, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact*, That section five of an act entitled "An act to amend sections one, two and three of an act entitled 'An act to fix the boundaries of school district number one of the city of Jackson and to authorize said district to raise money by taxation,' approved February fifteen, eighteen hundred and fifty-nine, and to add five new sections, to stand as sections four, five, six, seven and eight," approved April twenty-second, eighteen hundred and seventy-five, be and the same hereby is amended so as to read as follows:

SEC. 5. The qualified voters of said district may, by a majority vote of those present and voting at any annual meeting, or at a special meeting called for that purpose, raise by tax upon the taxable property of the district such sum or sums as shall be necessary to purchase lots, build school-houses and furnish the same, provide apparatus and fuel, pay for repairs, pay teachers and officers, and all necessary and incidental expenses, and make the several schools of the district free of tuition to the resident pupils thereof, and at any annual or special meeting, by a two-thirds vote, such qualified voters may authorize the board of trustees to borrow money on the bonds of the district for such term of years and at such rate of interest as the meeting may direct, not to exceed six per cent per annum, for the purpose of building school-houses and making additions thereto, or for the payment of bonds to become due: *Provided*, That such indebtedness shall at no time exceed twenty thousand dollars.

Section amended.

Money for necessary, and incidental expenses, how raised.

Board authorized to borrow money.

For what purpose. *Provided*.

This act is ordered to take immediate effect.

Approved February 24, 1887.

[No. 360.]

AN ACT to detach certain territory from the township of Lakefield, Mackinac county, and to organize the same into a separate township, to be known as the township of Portage.

SECTION 1. *The People of the State of Michigan enact*, That the surveyed townships numbered forty-four north of ranges eleven and twelve west, now forming part of the township of Lakefield in the county of Mackinac, be and the same are hereby detached from said township of Lakefield and organized into a separate township to be known as the township of Portage.

Territory detached and organized.

First township meeting.

Board of inspectors. Meeting held under general law.

Meeting may be held at other than time specified.

Vacancy in board of inspectors, how filled.

Board of registration.

Session of.

SEC. 2. The first annual meeting of said township of Portage shall be held at the house of John Lee, and David J. McAlpine, Atwood McCormack and Arriel Burrows [Burrous] are hereby made and constituted a board of inspectors of said township election, and at such election the qualified voters shall elect by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which notices may be given by said board of inspectors of election or a majority of them.

SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said meeting.

SEC. 5. And [the] said David J. McAlpine, Atwood McCormack and Arriel Burrows [Burrous], or a majority of them, shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the said house of John Lee on Saturday preceding said election.

This act is ordered to take immediate effect.

Approved February 25, 1887.

[No. 361.]

AN ACT to incorporate the village of Bessemer in Gogebic county.

Territory incorporated.

SECTION. 1. *The People of the State of Michigan enact, That* all that certain tract or parcel of land lying and being situated in the township of Bessemer in the county of Gogebic and State of Michigan, known and described as follows, to-wit: All the south one-half of sections nine and ten, and the north one-half of sections fifteen and sixteen in township number forty-seven north of range number forty-six west, is hereby constituted a village corporate known and designated as the village of Bessemer.

First election of officers.

SEC. 2. The first election of officers in said village shall be held on the second Monday in March in the year of our Lord one thousand eight hundred and eighty-seven, at the house occupied by E. Donnelly, and known as the Colby house in said village, and on the second Monday in March in each year thereafter.

Annual elections.

SEC. 3. August C. Birney, Pentecost Mitchell and Charles F. Button are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the house of E. Donnelly, in said village on the Saturday preceding the second Monday in March in the year one thousand eight hundred and eighty-seven aforesaid, to register the names of all persons residents of said village presenting themselves for registration having the qualifications of voters at annual township meetings, and said board of registration shall hold its subsequent meetings on the Saturday preceding the second Monday in March in each year.

Board of registration.

First meeting, when and where held.

Subsequent meetings.

SEC. 4. Notice of said first election of officers of said village shall be posted in three public places in said village at least ten days before the time of said election, which notice shall be signed by any five electors in said village.

Notice of first election.

SEC. 5. The said village of Bessemer, in all things not herein otherwise provided, shall be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

Governed by general law.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be held [had] at any time within one year from time designated in section two of this act, on notice being given as provided in section four of this act.

Election may be held at other than time designated.

This act is ordered to take immediate effect.

Approved February 25, 1887.

[No. 362.]

AN ACT to authorize the vacating of the township burying ground of the township of Paris in the county of Kent, located on the east half of the southeast quarter of section seventeen, town six north, range eleven west.

SECTION 1. *The People of the State of Michigan enact*, That whenever the township board of the township of Paris, county of Kent, shall by resolution adopted by them determine that the dead bodies buried in the old township burying ground of the said township of Paris, located on the east half of the southeast quarter of section seventeen, town six north, range eleven west, should be removed therefrom for the reason that said burying ground shall have become commons, or shall have become, from the nature of the ground or soil, unsuitable for a burying ground, or shall endanger the health of the people living in the immediate vicinity thereof, the circuit court in chancery for said county of Kent is hereby authorized to vacate the same or any part

Township board to determine the necessity of removal.

Circuit court may vacate grounds.

	thereof, on petition made to such court as is hereinafter provided.
Petition.	SEC. 2. Such petition shall be made in behalf of said township board by the chairman of said board, or agent appointed by them for that purpose, who shall file a petition signed and sworn to by the chairman of said board, or by said agent, in the office of the register of said court for Kent county, which petition shall set forth his authority as chairman of said board, or agent, if it is filed by the agent of said board, the particular reasons for making and filing such petition, and a distinct description of the premises on which such burying ground is located, which petition shall be filed, as aforesaid, at least forty days previous to the first day of the term for which such petition shall be noticed for hearing. Notice of the pendency and hearing of such petition shall be given for the same space of time, by publishing the same in a newspaper published in the county of Kent, once in each week for four successive weeks prior to the first day of the term when such case is noticed for hearing.
What to set forth.	
When filed.	
Notice by publication	
Township board to cause bodies to be removed.	SEC. 3. When said burying ground shall be vacated as provided in this act the said township board shall cause all the dead bodies and remains buried therein to be re-interred in the new township burying ground, located on section eight in said township, in a prudent, careful and respectful manner, and shall cause to be removed and again erected over the proper remains all permanent fences around graves and lots, all tombstones and monuments, with as little injury as the case will admit: <i>Provided</i> , that no removal of said bodies and remains shall be made during the months of June, July, August or September. Such removal, and the cost of the proceedings under this act shall be at the expense of and paid by the said township.
Where to be re-interred.	
Fences and monuments to be removed and erected.	
Proviso.	
Costs, how paid.	
Township to repay owners of lots.	SEC. 4. In case of the vacation of said burying ground or any part thereof, said township shall on demand and upon reconveyance of such lot (where conveyance may be necessary) to said township, repay to any owner the price he may have paid for his lot.
	This act is ordered to take immediate effect.
	Approved March 1, 1887.

[No. 363.]

AN ACT to organize the county of Luce, comprising a portion of Chippewa and Mackinac counties.

Territory designated.	SECTION 1. <i>The People of the State of Michigan enact</i> , That surveyed townships numbered forty-five north of ranges eight, nine, ten, eleven, and twelve west, be and the same are hereby detached from the county of Mackinac, and that townships numbered forty-six, forty-seven, forty-eight and forty-nine north of ranges eight, nine, ten, eleven and twelve west, and fractional township numbered fifty north of ranges eight, nine, eleven and
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twelve west, be and the same are hereby detached from the county of Chippewa, and that the territory so detached from the said counties of Mackinac and Chippewa is hereby organized into a county to be known and designated as the county of Luce.

SEC. 2. The county seat of said county is hereby located at the village of Newberry. County seat.

SEC. 3. At the general township election to be held on the first Monday of April, A. D. eighteen hundred and eighty-seven, the several county officers of the said county of Luce shall be elected. The election of such officers and the canvass thereof shall be conducted in the manner prescribed by law: *Provided*, That the county canvass of such election shall be held at the place of holding of the election in the village of Newberry on the Monday next succeeding such election, and the officers so elected shall qualify and enter on the duties of their respective offices on or before the twentieth day of April, A. D. eighteen hundred and eighty-seven, and shall hold their several terms of office until the first day of January, A. D. eighteen hundred and eighty-nine, and until their successors are elected and qualified: *And provided further*, That the supervisors of the township of McMillan shall give twenty days' notice of such election to the several township clerks of said county of Luce, which said township clerks shall give notice of such election in the manner now provided for by law for the election of county officers. County officers.
Manner of electing
Provido.
Officers, when
to qualify, etc.
Terms of office.
Further
proviso.

SEC. 4. The county officers of Mackinac and Chippewa counties respectively shall exercise all the powers and perform all the duties now devolving upon them in the territory taken from said counties until the county officers of Luce county shall be elected and qualified and entered upon the duties of their respective offices aforesaid. Certain officers
to exercise
powers, etc.

SEC. 5. The sheriff and county clerk elected under the provisions of this act shall provide a place in the village of Newberry for holding the circuit court of said county, and also a suitable place in said village for the county offices until the board of supervisors of said county shall provide for the same. Place for hold-
ing circuit court
and county off-
ces.

SEC. 6. That surveyed townships forty-five north of ranges eleven and twelve west, are hereby detached from the county of Mackinac and shall remain and constitute the township of Lakefield in the county of Luce; and that the township officers now residing in said detached territory and performing their respective duties in said offices, shall continue to perform such duties in said territory until their successors are duly elected and qualified. Township of
Lakefield, terri-
tory detached.
Certain officers
to perform du-
ties.

SEC. 7. The surveyed township forty-five north of range eight west, is hereby detached from the township of Hendricks in the county of Mackinac, and surveyed townships forty-five north of ranges nine and ten west, are hereby detached from the township of Garfield in the county of Mackinac, and the territory so detached from the townships of Hendricks and Garfield is hereby organized into a township to be known as the township of Pentland in said county of Luce. Township of
Pentland organ-
ized and bound-
aries defined.

SEC. 8. The first election for township officers in said town- First election,

Where and when held.	ship of Pentlend organized under the provisions of this act, shall be held at the house of Thomas Pentlend, in said township, on the first Monday of April, A. D. eighteen hundred and eighty-seven. The inspectors of said election shall consist of Thomas Pentlend, W. G. Randolph and Thomas McOutcheon, which said board of inspectors, or a majority thereof, shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the house of said Thomas Pentlend on Saturday next preceding said election.
Board of inspectors.	SEC. 9. Surveyed townships forty-eight north of ranges eight, nine, ten and eleven, and the north half of twelve, and surveyed townships forty-nine north of ranges eight, nine, ten, eleven and twelve west, and surveyed fractional townships fifty north of ranges eight, nine, eleven and twelve west, be and the same are hereby detached from the township of Sault Ste. Marie, county of Chippewa, and attached to the township of McMillan in the said county of Luce.
Board of registration.	
When and where to hold session.	
Territory attached to township of McMillan.	
Representative district.	SEC. 10. Said county of Luce shall remain a part of the representative district now composed of the counties of Schoolcraft, Alger, Chippewa and Mackinac, and of the thirtieth senatorial district and of the eleventh congressional district and of the eleventh judicial circuit until otherwise provided by law. The judge of said circuit shall fix the time of holding the circuit court of said county on or before the first day of June, A. D. eighteen hundred and eighty-seven. The sheriff and county clerk of said county shall designate in writing where said circuit court shall be held and such designation shall be filed with the county clerk and the same shall remain so fixed until changed by the board of supervisors of said county.
Senatorial district.	SEC. 11. The register of deeds of said county of Luce shall make or cause to be made a transcript of all records in other counties which are necessary to be on the records of said county of Luce, which register shall have access to the records of Mackinac and Chippewa counties for that purpose. Such transcribed records shall be taken and received in all cases and have the same legal effect as the original records, and the board of supervisors of said county of Luce shall, within one year after the first meeting of the board, make provisions [provision] for defraying the expenses of the same.
Congressional.	
Judicial.	
Circuit court.	
Time of holding.	SEC. 12. The settlement between the said county of Luce and the said counties of Mackinac and Chippewa shall be made as provided by law.
Place.	
How changed.	SEC. 13. Said county of Luce is hereby created and declared a body corporate with all the powers and duties conferred upon or required of organized counties by the constitution and laws of this State.
Register to make transcript, etc.	SEC. 14. All acts and parts of acts inconsistent with the provisions of this act are hereby declared inoperative and void as concerning the county of Luce, hereby organized. This act is ordered to take immediate effect. Approved March 1, 1887.
Expense, how defrayed	
Settlement between counties.	
Body corporate.	
Acts void.	

[No. 364.]

AN ACT to revise, amend and consolidate [revising, amending and consolidating] the charter of the village of Howard City in the county of Montcalm, and State of Michigan and the several acts amendatory thereto modifying and defining the powers of the corporation and the duties of its officers, being act number two hundred and fifteen of the local acts of Michigan of eighteen hundred and seventy-three and the several acts amendatory thereto.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact,* That all Boundaries. that tract of the township of Reynolds, situated in the county of Montcalm and State of Michigan, known and described as follows, to-wit: The south half of the north half and the south half of section twenty-five, and the south half of the north half and the south half of section twenty-six, and sections thirty-five and thirty-six, all in township twelve north of range ten west in the county of Montcalm and State of Michigan, be and is hereby constituted a village corporate by the name of the village of Howard City.

CHAPTER II.

ELECTIONS.

SECTION 1. The inhabitants of said village having the qualifi- Elections. cations of electors under the constitution of this State shall meet in said village on the second Monday in March next, and on the second Monday of March annually thereafter, at such place as shall be provided by resolution of said village board, and there by ballot shall elect by plurality of votes a president, clerk, treasurer, Elective officers. assessor and marshal, each for one year, and three trustees for two years, who shall hold their respective offices for the terms for Terms of office. which elected and until their successors are elected and qualified. But if an election of president and trustees shall not be had on the day provided for in this act the corporation shall not for that reason be dissolved, and it shall be lawful to hold such election Election may be held at other than time designated. at any time thereafter, public notice being given as prescribed by this act for the holding of regular elections. The president and trustees shall constitute a village board, and a majority of the Village board. board shall constitute a quorum for the transaction of business; a less number may adjourn from time to time. The president Duty of president. shall also be the chief executive of the village; he shall preside at the meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve the trustees shall have

President pro tem.	power to elect from their own number a president <i>pro tem.</i> , who shall have all the powers and perform all the duties of president.
Notice of election.	SEC. 2. It shall be the duty of the clerk to give at least five days' notice of the time and place of the holding of all the elections, either by posting written or printed notices in five of the most public places in said village, or by causing the same to be published in some paper printed in the village, and at all the elections the polls shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and close at four o'clock in the afternoon; and at the close of the polls the ballots shall be counted and a true statement thereof proclaimed to the electors present, and the clerk shall make a true record thereof and within five days give notice to the persons elected, who shall enter upon their duties the ensuing Monday.
Time of opening and closing polls.	
Notice to persons elected.	SEC. 3. At the first election to be held in said village under this act there shall be chosen by the qualified voters there present from among their number, <i>viva voce</i> , two inspectors and a clerk of election, who together shall constitute a board of inspectors of such election, each of whom shall before entering upon the duties of his office take an oath before some person authorized to administer oaths that he will support the constitution of the United States and the constitution of this State and that he will faithfully discharge the duties of inspector of such election; said board shall conduct said election and certify the result thereof.
Board of Inspectors.	
Oath of, etc.	SEC. 4. At all subsequent annual elections the president, clerk, and any two of the trustees may be inspectors of the election, and in case of the absence of the clerk any person may be chosen by the president or trustees to act as clerk of the election, and each of the inspectors shall take an oath, to be administered by some person qualified to administer oaths, to faithfully and impartially discharge their duties as inspectors or clerk of such election; and said board shall have such power to preserve the purity of the election as is now or may hereafter be given to township boards of election.
Inspectors of subsequent elections.	
Power of, etc.	SEC. 5. The president and every other officer elected or appointed under the provisions of this act, before he enters upon the duties of his office, shall take and subscribe an oath or affirmation, which may be administered by any trustee or other person authorized to administer oaths, to support the constitution of the United States and of this State, and that he will faithfully and impartially discharge the duties of his office to the best of his ability, a record of which oath shall be made and kept by the clerk.
Oath of office.	
Body corporate.	SEC. 6. The president and trustees of said village shall be a body corporate and politic with the same powers as township boards, in addition to those granted in this act under the name of the president and trustees of the village of Howard City, and may have a common seal which they may alter at pleasure; may purchase and hold real estate for the use of said village and at any time sell and convey the same; and may sue and be sued, defend

and be defended in any court; but when any suit shall be commenced against the corporation the same shall be commenced by summons, an attested copy of which shall be served upon the president of the village at least six days before the return thereof: *Provided*, That in case such summons cannot be served on the president for any reason it may be served on any one of the trustees.

Summons to be served on president.
Proviso.

SEC. 7. The person receiving the greatest number of votes for any office in said village shall be deemed and declared duly elected, and if any officer shall not have been chosen by reason of two or more candidates having received an equal number of votes, the village board shall, by ballot, elect such officer from the two candidates having the highest number of votes.

Who deemed elected.

SEC. 8. Any vacancy in any of the elective offices, whether by death, removal from office, resignation, or otherwise, shall be filled until the next succeeding election by appointment to be made by the president and trustees.

Vacancies, how filled.

SEC. 9. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall have expired, he shall on demand deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer and in any way appertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner and with like effect as public officers generally for the like offense under the general laws of this State now or hereafter in force and applicable thereto, and every officer appointed or elected under this act shall be deemed a public officer within the meaning and provisions of such general laws of this State.

Property to be delivered to successor.

Violation a misdemeanor.

SEC. 10. If during his term of office any officer of said village shall cease to be a resident thereof, or if any such officer shall be a defaulter to said village, his office may be declared vacant by the village board.

When office declared vacant.

SEC. 11. If any person elected or appointed to office in said village shall fail to take and file the oath of office as required by law, or [shall] fail to give the bond or security required within the time limited therefor, the village board may declare the office vacant unless previously thereto he shall file the oath and give the bonds and security required.

Idem.

SEC. 12. The inhabitants of said village having the qualifications of electors under the constitution of the State, and whose names are duly entered upon the registration or poll list of said corporation kept for such purpose, and no others, shall be qualified electors of said village and entitled to vote therein: *Provided*, That in case any elector whose name is not entered upon such registration list, upon a sufficient showing to the satisfaction of the inspectors of election that such person was necessarily absent from said village, or unable from any cause to secure such registration at the time of the last session of the board of registration for said village, such elector desiring to vote at such election shall then and there be entitled to registration, and to

Qualification of electors.

Proviso.

Eligibility to office.	record his vote in accordance therewith and under the same provisions of laws of this State governing township elections.
Board of registration.	SEC. 13. No person shall be eligible to any office in this corporation unless he shall have resided therein at least three months next preceding his election, and shall be entitled to a vote therein.
Sessions of.	SEC. 14. The president, village clerk, and one trustee, to be appointed each year by the village board, shall be the village board of registration. On the Saturday next preceding the day of holding any annual or special election, and on any other days that the village board may appoint, the board shall be in session for the purpose of completing the registration of the electors of the village; notice of the time and place of such meeting shall be given with the notice of said election.
Notice of meeting.	SEC. 15. It shall be the duty of the village treasurer, marshal and clerk on filing the acceptance of their office, and before entering upon the duties thereof, to make and file with the village clerk a bond for the faithful performance of their respective duties, in such an amount and with such sureties as the board may direct, which bond shall be approved by said board.
Official bonds.	

CHAPTER III.

APPOINTED OFFICERS.

Appointed officers and terms of.	SECTION 1. All officers appointed by the president and trustees shall hold their respective offices for one year or until their successors are elected or appointed and qualified, and the president and trustees may require of any of them security by bond for the performance of the duties of their respective offices as shall be thought expedient, which bond shall run to the president and trustees of the village of Howard City and their successors in office, and suit may be brought for a breach of said bond in the name of the president and trustees of said village as in other cases before any justice of the peace of the township of Reynolds or in the circuit court of the county of Montcalm, according to the amount claimed, which courts are hereby authorized to hear, try and determine the same.
Bonds, etc.	

CHAPTER IV.

DUTIES OF OFFICERS.

Duties of president.	SECTION 1. The president shall be the chief executive officer of the village; he shall preside at the meetings of the board and shall, from time to time, give the board information concerning the affairs of the corporation and recommend such measures as he may deem expedient; it shall be his duty to exercise supervision over the affairs of the village and over the public property belonging thereto and see that the laws relating to the village and the ordinances and regulations of the council are enforced.
	SEC. 2. It shall be the duty of each trustee in said village to

attend the regular and special meetings of the village board, to act upon committees when thereupon appointed by the president or village board, to order the arrest of all persons violating ordinances, by-laws or police regulations of the village, to report to the president all subordinate officers who are guilty of any official misconduct or neglect of duty, to maintain peace and good order and to perform all duties required by this act. Duties of trustees.

SEC. 3. The village clerk shall be the general accountant of the village, and all claims against the corporation shall be filed with him for adjustment. After examination thereof he shall report the same, with all accompanying vouchers and counter-claims of the village and the true balance found by them to the board for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating therein the fund from which payment is to be made, and take proper receipts therefor. When any tax or money shall be levied, raised or appropriated the clerk shall report the amount thereof to the village treasurer, stating the object and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund. The village clerk shall exercise a general supervision over all officers charged in any manner with the receipts, collection and disbursement of the village revenues, and over all the property and assets of the village; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued and keep a list of all property and effects belonging to the village, and of all its debts and liabilities. He shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall record all official bonds of the village in a book prepared for the purpose, and such record or a certified copy of the same shall be *prima facie* evidence of such bond and filing in all courts and places; he shall also keep an account with the treasurer in which he shall charge him with all moneys received for each of the several funds of the village, and credit him with all warrants drawn thereon, keeping an account with each fund. The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures and financial condition of the village, of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require. In case of the absence of the clerk for any cause the village board may appoint one of their number to perform the duties for the time being. Duties of clerk.

SEC. 4. It shall be the duty of the treasurer, in addition to those herein mentioned, to have the custody of all the moneys and evidences of value belonging to the village. He shall receive all moneys belonging to and receivable by the corporation and keep an accurate account of all receipts and expenditures thereof; Clerk pro tem.

Duties of treasurer.

he shall pay no moneys out of the treasury, except in pursuance of and by authority of law and upon a warrant signed by the clerk and countersigned by the president, which shall specify the purpose for which the amount is to be paid. He shall keep an accurate account of and be charged with moneys received for the corporation; he shall exhibit to the council annually and as often and for such periods as may be required a full and detailed account of all receipts and expenditures since the date of his last annual report, classifying them by the fund to which such receipts are credited and out of which such expenditures are made, and shall also when required exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the clerk. The treasurer may appoint a deputy for whose official duties he shall be responsible.

Deputy
treasurer.

Duties of
marshal.

SEC. 5. The marshal, in addition to duties hereinafter mentioned, shall have the general supervision of the village and see that the laws are enforced and by virtue of his office shall be constable and chief of police, with the power of constables belonging to any township, having power to enter into any disorderly or gaming house, or dwelling, or any other building where he has reason to believe any felon is secreted or harbored, and where he has reason to believe any person who has committed a breach of the peace is secreted, or where he may suppose any felony or breach of the peace is being committed; to arrest disorderly persons or felons and those engaged in unlawful assemblages and take them before any court or judicial officer having competent jurisdiction, who shall hear, try and determine the same according to law, and to compel the citizens to aid in extinguishing fires; to appoint deputies with powers similar with his own: *Provided*, That nothing in this act shall be construed into authorizing his serving processes issued by justices of the peace in civil cases; he shall at all times be subject to the supervision and control of the president and trustees in the discharge of his official duties and may be removed from office by a majority vote of the whole number for any refusal or neglect to comply with their orders or directions, or any grave neglect in the discharge of his official duties, but the cause of such removal shall in all cases be made a matter of record by them, and in case of vacancy, whether by death, removal from office, resignation or otherwise, shall be filled for the unexpired term by appointment to be made by the president and trustees.

Deputies.
Proviso.

May be re-
moved, etc.

Vacancies to be
filled.

CHAPTER V.

GENERAL POWERS AND DUTIES OF THE VILLAGE BOARD.

Powers and
duties of the
village board.

SECTION 1. The president and trustees shall have power to ordain and establish by-laws, ordinances, rules and regulations, and to alter or repeal the same at pleasure for the following purposes:

SEC. 2. For the appointment of such other officers, whose election is not herein provided for, for said village as they may deem necessary, and to prescribe their duties and fix the compensation for their services. Relative to appointments.

SEC. 3. To see that the village officers perform their duty faithfully, and to remove for official misconduct or neglect of official duty officers appointed by them, first giving one week's notice in writing to the officer charged with such misconduct or negligence specifying the charge or charges and appointing a time and place for a hearing thereon. Duties of officers.

SEC. 4. Shall have the management and control of the finances, rights, interests and belongings and all property real and personal belonging to said village, and may by vote of a majority of the trustees elect, or in case of a tie, by a vote of one-half of the trustees elect and the casting vote of the president added thereto, dispose of any such property, and make such rules, regulations and by-laws relating to the same as they shall deem proper and necessary; Property of.

SEC. 5. To prevent vice and immorality, to preserve peace and good order, to organize, maintain and regulate all police of the village, and to prevent and quell riots, disturbances and disorderly assemblies. Police regulations.

SEC. 6. To appoint and prescribe the powers and duties of watchmen and fines and penalties for their delinquencies. Watchman.

SEC. 7. To restrain, apprehend and punish vagrants, mendicants, street beggars, drunkards, and all disorderly persons; to punish persons guilty of lewd and lascivious behavior, or for profane or blasphemous language, or for being intoxicated in or upon the streets or public places in said village. Vagrants, drunkards, etc.

SEC. 8. To prohibit, restrain or prevent persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, ball alleys, wheels of fortune, boxes or other instruments or device whatever, in any store, shop, or any other place in said village; to punish the person keeping the building, instruments or means for such gaming, and to compel the destruction of the same. Gaming.

SEC. 9. Shall have exclusive power to license such persons as tavern keepers, saloon keepers, and common victualers as they shall think best, but no license shall be granted for a period exceeding one year; to prevent the selling or giving away spirituous or fermented liquors to drunkards, minors or apprentices. Licenses.

SEC. 10. To prevent, prohibit, abate, suppress or remove nuisances of every kind and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, slaughter-house, glue, starch or soap factory, tannery, stable or privy, hog-pen, sewer or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience or safety of the inhabitants of said village, and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same. Nuisances.

SEC. 11. Whenever in the opinion of the village board any

Dangerous
buildings, etc.

building, fence or other erection of any kind or any part thereof is liable to fall, and that persons or property may be endangered thereby, they may order any owner or occupant of the premises on which such building or structure stands to take down the same or any part thereof, within a reasonable time, to be fixed by the order, or immediately, as the exigencies of the case may seem to require; and in case such order is not complied with, they may cause the same to be taken down at the expense of the village and assess the expense to the land on which it stood; the order, if not immediate in its terms, may be served on any occupant of the premises, or published in one or more newspapers in said village, and for such time as the village board may direct, and in case there is no actual occupancy of such premises and the owner thereof is unknown the publication of such notice as above required shall be deemed sufficient notice to such owner.

Disorderly
houses.

SEC. 12. To suppress all disorderly houses and houses of ill fame and to punish the keepers and inmates thereof.

Obstructions of
streets, etc.

SEC. 13. To prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds of said village; to regulate the covering of mill races at the expense of the owner thereof, and to compel the owners or occupants of lots to clear the sidewalks in front and adjacent thereto of snow, ice, dirt, mud, boxes and every other incumbrance or obstruction thereto.

Markets.

SEC. 14. To direct the location of all markets and buildings used for storing gunpowder, nitro-glycerine or other combustible or explosive substance or dangerous article; to regulate the buying, keeping, carrying, selling and using of gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, and to prevent and suppress the exhibition of fire-works, burning or explosion of fire-crackers and the discharge of fire-arms within the corporate limits of said village, and to prevent, prohibit and restrain the making of bonfires in streets and yards, and to regulate the use and kind of lights or lamps to be used in barns, stables and all buildings and establishments usually regarded as extra hazardous in respect to fire.

Markets, regu-
lation of.

SEC. 15. To establish, order and regulate the markets, to regulate the vending of wood, hay, meat, vegetables, fruits, fish and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale: *Provided*, That nothing herein contained shall authorize the village board to restrict in any way the sale of fresh and wholesome meats by the quarter within the limits of the village.

Proviso.

Weights and
measures.

SEC. 16. To prescribe the duties of sealers [sealer] of weights and measures and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said village, except as herein otherwise provided.

SEC. 17. To establish and regulate one or more pounds, and to Pounds. restrain or regulate the running at large of horses, cattle and swine and other animals, geese, and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding the same.

SEC. 18. To prevent or regulate the running at large of dogs, Dogs. to impose taxes on the owners of dogs, and to prevent dogs from fighting in the streets, and to require them to be muzzled and authorize their destruction if found running at large in violation of any ordinance.

SEC. 19. To regulate and license cartmen, teamsters, porters, Cartmen, hacks, etc. Runners, etc. hacks, cabs and drays, and to regulate their compensation: to regulate and prevent runners, stage drivers and others soliciting guests for hotels and passengers and others to ride or travel upon any railroad, street car, omnibus, stage or any other kind of carriage or vehicle.

SEC. 20. The village board shall have the power to establish, Water-works. construct, maintain, control, supervise, regulate and keep in repair a system of water-works for the purpose of supplying the village with water for municipal, domestic, and other purposes, and are hereby invested with full and complete power and authority to enact, make, and adopt any and all such ordinances, by-laws, rules and regulations as they may deem necessary, requisite and expedient to carry into complete effect the power and authority hereby conferred upon them relative to the water-works of said village and for the conduct of its business.

SEC. 21. To establish, regulate and preserve public reservoirs, Reservoirs, etc. wells and pumps, and to prevent the waste of water.

SEC. 22. To regulate the lighting of the streets and alleys and Lights. the protection and safety of public lamps.

SEC. 23. To prohibit or regulate bathing in any public water, Bathing, etc. or in any open or conspicuous place, or any indecent exposure of the person or of the person of another in the village, and provide for the cleansing of any and all streams in the village.

SEC. 24. To purchase grounds for and regulate cemeteries and Cemeteries, etc. the burial of the dead, and to provide for the return of the bills of mortality and to order the use, for funeral purposes, of any burial ground or cemetery to be discontinued whenever they may deem the same necessary for the best interests and health of the citizens.

SEC. 25. To ascertain, settle and establish the boundaries of Streets, alleys, etc., improvement of. all streets and alleys, to establish grades therefor; also to order and cause to be drained or filled up all pools and swamps in said village and to assess the costs and expenses [expense] thereof on the premises benefited: *Provided*, That two-thirds of such property Provido. be represented in petition for such improvements.

SEC. 26. To regulate the building of partition and other Buildings, etc., to regulate. fences, to establish lines upon which buildings may be erected and beyond which such building shall not extend, to prevent the erection of buildings in an unsafe manner and to pass all necessary regulations relative to buildings which may be deemed neces-

- Fire limits.** sary; to establish fire limits and prescribe by ordinance from time to time limits or districts within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts with respect to protection against fire and the material of which the outer walls and roofs shall be constructed.
- Fire department.** SEC. 27. To establish a fire department, to provide for the prevention and extinguishment of fires, and to establish, organize and regulate fire companies in the manner and under such regulations as the village board may prescribe.
- Fire apparatus.** SEC. 28. To purchase and keep in order fire-engines and other apparatus and to construct buildings in which to store the same.
- Chimneys, stove-pipes, etc.** SEC. 29. To regulate the construction of chimneys, hearths, fire-places, fire-arches and ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to compel and regulate the cleaning thereof and fix fees therefor; to compel and regulate the construction of ash-houses or depositories for ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous or unsafe state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the village to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the village and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom.
- Fires.** SEC. 30. To regulate the hanging or placing of signs, the setting of swing and other posts and of shade trees in the streets and the protection of the same, and to compel the removal of those which are improperly placed therein; to provide for public parks and squares, make, grade, improve and adorn the same and all grounds in said village belonging to or under the control of the corporation, and to control and regulate the same consistently with the purpose and object thereof.
- Signs, trees, parks, etc.** SEC. 31. To regulate the time and manner of working upon the streets, lanes and alleys in said village; to provide for the grading, paving and planking of all streets, lanes and alleys, sidewalks and crosswalks and to prescribe the width thereof; to lay out and open all streets, lanes and alleys, parks and public grounds and the same to alter and vacate, and to alter and vacate those already laid out; to construct and keep in repair all bridges and culverts within said corporation.
- Work on streets, etc.** SEC. 32. To provide for taking a census of the inhabitants of said village whenever they may see fit and to direct and regulate the same.
- Census.** SEC. 33. To license auctioneers, hawkers, peddlers and pawn-brokers, and to regulate, license, or prohibit auctions or the soliciting, selling or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about
- Auctions, etc.**

from place to place in said village for that purpose, or from any stand, cart, vehicle or other device in the streets, highways or open places, public grounds or buildings in the village.

SEC. 34. To assess and levy taxes on real and personal property Taxes, as hereinafter provided.

SEC. 35. To require any horse, horses or mules attached to any vehicle or standing in any of the streets, lanes or alleys of said village to be securely fastened, watched or held, and to prevent and punish horse-racing and immoderate driving or riding in any street or over any bridge in said village, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said village. Horses, horse racing, etc.

SEC. 36. To forbid and restrain or regulate the rolling of hoops, playing at ball, flying of kites, skating, sliding on sleds, riding on bicycles, tricycles, velocipedes or any other amusement or practice tending to annoy or in any manner to injure persons passing on the streets or sidewalks or to frighten or interfere with teams or horses. Sports, etc.

SEC. 37. To prescribe, regulate and restrain the use and speed of locomotives, engines and cars on all railroads within the limits of said village, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof; and to require and compel railroad companies using steam locomotives to keep flagmen or watchmen at any railroad crossing of streets that the village board may deem necessary, and to give warning of the approach and passage of trains thereat. Railroads.

SEC. 38. To prescribe the powers and duties of all the officers of said village, except as herein otherwise provided, and their compensation and the fines and penalties for their delinquencies. Power of officers, etc.

SEC. 39. To regulate, license, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions for which money or other reward is in any manner demanded or received. lectures on historic, literary and scientific subjects excepted. Exhibitions, etc.

SEC. 40. To provide for the employment of all persons confined in the common jail of the county of Montcalm, or in the lock-up of the village of Howard City for the non-payment of any fine, penalty or forfeiture, or costs imposed upon such person for the violation of any by-law or ordinance of said village, or of the provisions of this act, at work or labor upon the streets, lanes, alleys, or public grounds of said village or any public work under the control of the village board, and to allow any person so confined to pay and discharge such fine, penalty, forfeiture or costs as may have been imposed upon him as aforesaid by such labor, at such rate or amount per diem, or otherwise, as the village board may fix and establish. Prisoners.

SEC. 41. To provide and punish for any [the] disturbance of any religious meeting, congregation or society, or other public meeting assembled for any lawful purpose, and to prevent and punish Disturbances, etc.

for assembling and loitering about churches during the progress of any religious meeting or at the close thereof; to prohibit all practices, amusements and doings in the streets, lanes, alleys and public places in said village having tendency to frighten teams and horses or dangerous to life, limb or property; to preserve quiet and good order in the streets and other public places, and at the arrival and departure of railroad trains to prevent assemblages on street corners or other places in the public streets to the annoyance or inconvenience of pedestrians; to prevent persons not passengers or railroad employes from jumping on and off of cars.

Lotteries. SEC. 42. To prohibit, prevent and suppress all lotteries for drawing or disposing of money, or property, or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the direction, maintenance or management thereof.

Signs, awnings, etc. SEC. 43. To regulate and prohibit the suspension of signs, banners, advertisements and devices in, over, across or upon any public street or alley, and to regulate the suspension of awnings; to regulate, prohibit, or prescribe the manner of placing telegraph poles or poles of any kind in the public streets or grounds; to regulate the manner of making all openings in and removals of the soil of public streets for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose, and may prevent all such removals and openings of the soil, except by express permission of the village board and at such times and upon such terms and regulations as they may prescribe; to prevent any willful injury to streets, sidewalks, crosswalks and gutters.

Toy pistols, etc. SEC. 44. To prevent and regulate the sale or giving away or keeping for sale of toy pistols and all other toy instruments and devices in which gunpowder or other explosive material is used, and to prohibit the use of slings and devices commonly called "bean flippers" and "blow guns."

CHAPTER VI.

SEWERS AND DRAINS.

Sewers and drains. SECTION 1. The village board may establish, construct and maintain sewers and drains whenever and wherever necessary and of such dimensions and materials and under such rules and regulations as they may deem proper for the drainage of the village, and private property or the use thereof may be taken in the manner prescribed by chapter nine of this act, but in all cases where the village board shall deem it practicable such sewers and drains shall be constructed in public streets and public grounds.

Idem. SEC. 2. The village board shall also have power within the corporate limits of said village to compel any railroad company to make, keep open and in repair such ditches, drains, sewers and culverts along, under, or across any and all railroad tracks within

said village, owned, operated or controlled by such railroad company, as may be necessary to drain their grounds and right of way properly and in such manner as the village board shall direct and so that the natural drainage of adjacent property shall not be impeded, also to fence the side of any street to which said railroad may run parallel and to repair any damage or injury which may have been done to such street by any such railroad company. If any such railroad company shall neglect to perform any such requirements according to the direction of said village board, the board may cause the work to be done at the expense of such company and the amount of the expenses thereof may be collected at the suit of the village against the company in an action of assumpsit before any court having jurisdiction of the cause.

CHAPTER VII.

INFECTIOUS DISEASES.

SECTION 1. The village board of said village may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction or spreading of malignant, pestilential, infectious or contagious diseases within the village or within one mile thereof; to stop, detain and examine for that purpose any person coming from any district infected or believed to be infected with such diseases and to prevent and suppress diseases generally, and in the removal of persons having such diseases, or from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the village limits or to such place of treatment within the village as the village board may prescribe or the public safety require; to remove from the village and destroy any furniture, wearing apparel, goods, wares, merchandise, or other article or property of any kind which shall be suspected of being tainted or infected with any pestilence or which shall be or likely to pass into such a state as to generate or propagate disease, after paying to the owner or owners thereof the actual cost value of such property. Infectious diseases.

CHAPTER VIII.

POWERS OF VILLAGE BOARD TO RAISE MONEY BY TAX.

SECTION 1. The village board shall have power to raise annually by tax, upon the real and personal property in the said village taxable under the constitution and laws of this State, such sums of money as may be necessary to defray the expenses and pay the liabilities of the village and to carry into effect the powers by this act granted. Taxes.

SEC. 2. The fiscal year of the said village shall commence on the third Monday in March in each year unless otherwise provided by ordinance. Fiscal year.

Estimates.

SEC. 3. It shall be the duty of the village board to cause estimates to be made on or before the adoption of the general appropriation bill in each year all of the expenditures which will be required to be made. Said village board may also at the same time determine the amount of or part of any special assessment which the request to be levied, assessed or re-assessed in the next general tax roll of the village, upon any pieces or parcels of land or against any particular person or persons.

Duty of assessor.

SEC. 4. The assessor of said village shall in each year, on or before the third Monday in June, make and complete an assessment roll of all the real and personal property in said village liable to taxation under the laws of this State, and of all the property of any person liable to be taxed therein; copying it as nearly as possible from the assessment roll of the township of Reynolds, and in so doing he shall conform to the provisions of law governing the actions of supervisors of townships performing like services, and shall have the same powers as such supervisors, and in all other respects he shall, unless otherwise provided in this act, conform to the provisions of law applicable to the actions and duties of supervisors in townships in the assessment of property and the levying of taxes and in the issuing of warrants for the collection and return thereof.

Board of review.

SEC. 5. The president and one trustee appointed by the board and the assessor shall constitute a board of review of assessments, and immediately after the completion of the assessment roll as provided in the preceding section, and on the Tuesday next following the third Monday in June and before any tax shall be levied on the same, said board of review shall meet at some convenient place within the corporate limits of said village, of the time and place of which meeting they shall previously give notice by publishing the same in some weekly newspaper published in said village at least three days previous to the meeting of such board, or by posting such notice in three public places in said village not less than five days prior to such meeting, and shall continue in session that day and the day following, if necessary to complete review of said assessment; for the purpose of reviewing assessments said board of review shall have the same powers and perform the same duties in all respects as far as possible and otherwise provided by this act as boards of review of townships in reviewing and correcting township assessments.

When to meet.

Notice.

Powers of board.

Manner of making tax roll.

SEC. 6. The taxes for the several general funds of the village shall be set down in one column and if there be other taxes assessed than for the said general funds, they shall be carried out in separate columns, and all special assessments required by the village board or the provisions of this act to be assessed in such roll against any description of land [lands] or other property shall be carried out in separate columns thereof, and the total amount of taxes and assessments shall be carried out in the last column of such roll, and when any assessment shall be made for any special improvement it shall be legal even if it is not made at the time of making the general list, and the said assessor shall, on or before

the second Monday in July in each year, deliver to the village marshal the said assessment roll a copy thereof after having certified to the village clerk the aggregate amount of all general and special taxes on his roll.

To whom delivered.

SEC. 7. The village clerk shall then charge the village marshal with the total amount of such taxes as certified by the said assessor. A warrant shall be annexed to said roll, under the hand of the assessor and president of the village board, commanding the village marshal to collect the taxes spread thereon within sixty days from date of said warrant from the several persons, companies and corporations named in said roll, and the several sums mentioned therein set opposite their respective names as a tax or assessment, and to pay such moneys when collected to the treasurer of said village, and also authorize him, in case any person, company or corporation shall neglect or refuse to pay the sums taxed or assessed to him or them, to levy the same by distress and sale of goods and chattels of such person, company or corporation, together with the costs and charges of such distress and sale. Said warrant and time for the collection of such taxes may be extended from [time] to time by the village board, not exceeding in all thirty days from the expiration of the time first specified in such warrant for the collection thereof. In case of such extension the warrant annexed to the roll shall continue in force during the time extended, and the bonds of the said village marshal shall not be invalidated by any such extension.

Clerk to charge marshal.

Warrant.

May extend.

SEC. 8. The village marshal on receiving such tax roll and warrant shall forthwith proceed to collect such taxes in the same manner as provided by the laws of this State for the collection of taxes by townships treasurers in townships, and shall be entitled to the same compensation.

Collection of taxes.

SEC. 9. If any person shall neglect or refuse to pay the sum or sums which shall be taxed or assessed to them as aforesaid, the village marshal is hereby authorized and required to levy the same by distress and sale of the goods and chattels of said person liable to pay the same, first giving public notice as is required by law to be given by township treasurers in similar cases, and said village marshal shall have the power and all his proceedings in the collection of such taxes shall conform as nearly as practicable to the laws regulating the collection of taxes by township treasurers in this State, and in case the goods and chattels seized for the collection of any tax shall be sold for more than the amount of such tax or assessment, with the costs and charges of collection, distress and sale, the surplus shall be paid to the owner of such goods and chattels on demand.

Distress and sale.

SEC. 10. If upon the return of a warrant and assessment roll it shall appear that any tax or assessment remains unpaid, the same may be collected of the person or persons liable to pay the same by suit in the name of the village of Howard City before any court of competent jurisdiction. In any such suit a declaration on the common counts in assumpsit for money had and received shall be sufficient, and the production of any assessment

Collection of taxes by suit.

roll on trial of any action brought for the recovery of a tax or assessment therein assessed, may, upon proof that it is the original assessment roll, with the warrant of the assessor and president of the village annexed thereto, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax or assessment therein charged or assessed against the defendant in such suit it shall be *prima facie* evidence of the legality of the assessment of the same, and the court before whom the case is pending shall proceed to render judgment against the defendant unless he shall make it appear that he has paid such tax or that the same is illegal and no stay of execution shall be allowed upon any such judgment. Suits under this section may be brought before any justice of the peace in the township of Reynolds residing in the village of Howard City.

Where brought.

Returns, how made.

SEC. 11. Within ten days after the expiration of his warrant, or of the time to which it has been extended, the marshal shall return to the village treasurer a statement containing the names of all persons who have failed to pay any tax or assessment assessed to them in said roll, together with a description of the property upon which such tax or assessment was levied, and in such statement the amount of the different taxes shall be placed in a separate column to correspond with the assessment roll and said marshal shall verify such statement by his affidavit. Such statement and affidavit, when certified to by the village treasurer, shall be *prima facie* evidence of the regularity of such [said] proceedings in all the courts of this State.

Taxes may be paid to treasurer.

SEC. 12. Any tax returned unpaid may, at any time before the sale of the premises upon which the same was levied, be paid to the treasurer of said village, by paying to said treasurer the sum of the tax as returned with interest thereon at the rate of ten per cent per annum from the date of such return to the time of payment, and in case said premises shall have been advertised for sale as herein provided prior to such payment then the cost of such advertising shall also be added. Such payment may be made to the treasurer at any time prior to sale of the premises, and upon payment of the same the treasurer shall credit the same to the general fund and give his receipt therefor.

Sale of lands for taxes.

SEC. 13. Whenever any such tax or assessment, with the interest thereon, shall be computed at the rate of ten per cent per annum until paid shall remain unpaid for two years from the date of the warrant to the village marshal, the treasurer of said village shall cause so much of the land charged with such tax and assessment, interest and costs of advertising and sale, to be sold at public auction or vendue at some public place within said village to the highest bidder as shall be necessary to pay the said taxes and assessment [assessments] and interest together with all costs and charges thereon, first giving at least two months' notice of the time and place of such sale by advertisements posted up in three of the most public places in said village, or by causing the same to be published in some newspaper printed and circulated in said village, at least once in each week for eight successive weeks, and an affidavit of the

Notice.

printing of such notice made by the person or persons posting the same, or if published in a newspaper, then by the publisher, printer or some person employed in the office issuing such paper, who knows the facts, filed with the village clerk and entered by him on the records or proceedings of the village board, shall be deemed *prima facie* evidence of the facts of such posting or publication.

SEC. 14. If in making sale of any lot or parcel of land for non-payment of taxes or assessments, the treasurer shall not deem it necessary to sell the whole lot or parcel so taxed or assessed, he shall determine from what part of such lot or parcel of land the portion sold shall be taken and the amount of each of such parcels to be sold.

What portion to be sold.

SEC. 15. On the day mentioned in such notice the village treasurer shall commence the sale of said lands, and continue the same from day to day until so much thereof shall be sold as will pay the taxes and assessments as aforesaid, with the interest and charges due, assessed and charged thereon as aforesaid, and the said treasurer shall give to the purchaser or purchasers of such lands a certificate in writing, describing the lands purchased by them and the sums paid therefor, and stating therein when the purchasers [purchaser] will be entitled to a deed for said lands; and unless within one year from the date of the sale thereof there shall have been paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate of sale, together with the interest thereon at the rate of ten per cent per annum from the date of such certificate, the treasurer or his successor in office shall, at the expiration of said one year and on presentation and surrender of said certificate or satisfactory proof of its loss, execute to the legal purchaser, his heirs or assigns, a conveyance of the land so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, except it may appear that the tax or taxes have been paid subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale and all proceedings upon which such sale is founded were regular and according to the provisions of this act, and every such conveyance executed by said treasurer under his hand and seal, witnessed and acknowledged and recorded in the regular form, may be given in evidence in the same manner and with like effect as a deed, regularly executed and acknowledged by the owner and duly recorded, may be given in evidence.

Sale, how conducted.

Certificate of purchase.

Conveyance.

SEC. 16. If any parcel of land can not be sold to any person for the tax, interest and charges, such parcel shall be passed over for the time being, and after the advertised list has been offered, and before the close of the sale, all such descriptions as have not been sold shall be re-offered, and if on such second offer or during the sales the same can not be sold for the amount aforesaid, said treasurer shall bid off the same for the village.

Treasurer may bid off lands for village.

SEC. 17. All lands bid in for the village as provided in the last preceding section shall continue liable to be taxed in the

Lands bid off liable for tax.

same manner as if they were not the property of the village, and such tax shall be a charge upon said lands.

Charges for
advertising tax
sales.

SEC. 18. The village board may fix the amount that shall be charged for advertising the sale of lands for non-payment of taxes, but such amount shall in no case exceed forty cents for each description of land, and the expenses in advertising any lands for sale in pursuance of this act shall by the treasurer be added to such taxes respectively as are charged upon land and unpaid in proportion to the number of descriptions of land assessed to each person.

Charges for sale
of goods and
chattels on dis-
tress.

SEC. 19. In case of distress and sale of goods and chattels for the payment of any tax, the treasurer or collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax as his fees for making such distress and sale.

Executions on
judgment for
tax.

SEC. 20. Executions issued upon judgments rendered for any tax may be levied upon any property without exemption, the same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the same manner in all other respects as provided by law for the collection of judgments in civil cases.

When taxes
become a lien.

SEC. 21. All taxes levied upon real estate and all assessments and charges made therein for any purpose shall remain a lien thereon from the time the same are levied and continue until paid.

Levying and col-
lecting taxes,
etc.

SEC. 22. For the purpose of assessing, levying, and collecting taxes in the village of Howard City for village purposes, said village shall be considered as a township and all provisions of law relative to collection of taxes levied in townships shall apply to the collection of taxes assessed and levied in said village, except as in this act otherwise provided or when the provisions of this act are inconsistent therewith.

By-laws relative
to taxes.

SEC. 23. The village board, a majority of the members elect concurring, shall have power to make all such by-laws and ordinances relative to any special tax or assessment in said village as they may deem necessary to levy and collect taxes in all cases where the manner of levying and collecting such tax is not provided for in this act: *Provided*, That such by-laws and ordinances are not inconsistent with any of the provisions of this act: And *Provided also*, That whenever any person shall be improperly designated as the owner or occupant of any lot or premises in the proceedings under this act, or any of the by-laws or ordinances of said village relative to any special tax or assessment, it shall not for that cause be vitiated, but the same shall be a lien upon such lot or premises and as such lien shall be collected as in other cases.

Proviso.

Further
proviso.

Taxes to be
assessed, etc.,
for what pur-
poses.

SEC. 24. The village board shall have authority to assess, levy and collect taxes on real estate and personal property taxable in said village, for the purpose of paying necessary expenses, repairing or making highways, bridges, and streets and for paying all liabilities of the corporation, such sums as they may deem necessary; but in no case in any one year to exceed one per cent

of the assessed value of such property in addition to all special taxes [which taxes] shall be and remain a lien upon the property so taxed until the same shall be paid.

SEC. 25. The village board, a majority of the members elect concurring, shall have power to borrow money for necessary expenses and public improvements in said village: *Provided*, That it shall not be lawful for such village board to borrow in any one year more than one-fourth of one per cent of the last preceding assessed valuation of real and personal estate within said village, as shown by the assessment roll of such year.

Limit.
Village board may borrow money.
Proviso.

SEC. 26. Should any greater amount be required in any year for any purpose than can be raised by tax by the village board or loaned by them as provided under the provisions of this chapter, such amount may be raised by loan if authorized by a majority vote of electors voting upon the question at an annual or special village election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed one per cent of the assessed valuation of the property in the village as shown by the last preceding tax roll made therein: *Provided*, That to entitle any such vote to be taken, notice there- of shall be given in the call for such election.

Greater amount may be borrowed if authorized by vote of electors.

Limit.
Proviso.

SEC. 27. The village board shall have power to assess and collect from every male inhabitant of said village, not exempt by the laws of this State, an annual capitation or poll tax not exceeding one dollar, and they may provide by ordinance or by-laws for the collection of the same.

Poll tax.

SEC. 28. All moneys received for license from whatever source, under the provisions of this act, shall be paid to the treasurer of the village and by him placed to the credit of the general fund; also all moneys received from fines accruing from the violation of any by-laws or ordinances of said village shall be paid by the party receiving the same to said treasurer, who shall give his receipt therefor, and the same shall be credited to the general fund, except such other fines and penalties as are otherwise provided for by the constitution and laws of this State, for library purposes.

All moneys to be paid to treasurer.

To what fund credited.

CHAPTER IX.

SECTION 1. The village board shall have full power and authority to lay out and establish, open, make, grade, vacate and repair such streets, lanes, alleys, squares, market places and public parks in said village as they shall deem necessary, and to alter those already laid out and to extend and repair the same as hereinafter provided, and to sell and convey any public grounds so vacated, discontinued or taken up.

Streets, etc.

SEC. 2. And if in so doing they shall require for such purpose the grounds or property of any kind of any person or persons, they shall give notice to the occupant or occupants thereof, and to the owner or owners thereof, and to the persons interested therein, if he or they reside within the county of Montcalm, by

Acquiring title.

Notice to be given.

	personally serving on such person or persons a notice in writing that they require his, her, or their land and property, describing it, for some of the aforesaid purposes, at least three weeks next preceding the meeting of the village board at which action is to be had in regard to the same.
When notice to be published.	SEC. 3. If the person or persons upon whom such service is to be made resides outside the county of Montcalm, then such service may be made by publishing a notice stating briefly the object of taking the premises and giving a brief description of the land or property sought to be taken, in some newspaper published in the village of Howard City, once in each week for at least three successive weeks preceding the meeting of the board of trustees at which action is to be had in regard to the same; and if the residence of such person residing out of the county of Montcalm be known, a copy of such notice shall be deposited in the post-office at Howard City at least thirty days previous to the time when said board of trustees shall act in regard to the same, and shall be directed to said person as near as may be and the proper postage paid thereon.
When notice given by mail.	
Notice to guardian.	SEC. 4. If any person on whom service is to be made is a minor, an idiot or person of unsound mind and resides in the county of Montcalm, such service shall be made by serving the notice in writing as aforesaid upon his, her or their guardian or committee, as the case may be; but if such infant be over the age of four teen years then such service shall also be made upon him or her personally.
Notice by publication.	SEC. 5. If the person on whom such service is to be made be unknown, or his or their residence be unknown, and he or they reside outside the county of Montcalm, then such service may be made by publication or notice in some newspaper published in the village of Howard City once in each week for at least three successive weeks as hereinbefore provided.
Personal service.	SEC. 6. If any person interested in any premises sought to be taken, not an infant, idiot or person of unsound mind, reside in this State or elsewhere, then personal service on such party shall be deemed sufficient.
In cases of infants, idiots, etc.	SEC. 7. In case any party interested in lands or premises sought to be taken be an infant, idiot or person of unsound mind, and has no guardian or committee, the judge of the circuit court for said county of Montcalm, or the judge of probate thereof, shall appoint a special guardian or committee to attend to the interests of such infant, idiot or person of unsound mind; and all notices requested by this act shall after such appointment be given to such guardian or committee. Said village board are hereby authorized to purchase the right through any grounds or premises in said village from the owner or owners thereof, if they can agree upon the price to be paid therefor, but if they cannot agree upon such price, then, upon filing with any justice of the peace for the township of Reynolds, residing within said village, a copy of the determination of said council that it requires certain lands, premises or property for any of
Purchase of right.	
Proceedings in certain cases.	

the purposes in this section mentioned and a certified copy of the report, resolution or record of the action of said board of trustees, showing its failure to agree with the owner or owners as to the just compensation to be made for the lands or premises sought to be taken, it shall be lawful for said justice of the peace to issue a *venire* directed to the marshal of said village, commanding him to summon a jury of twelve disinterested freeholders, residing in said village to appear before him at a time and place to be therein mentioned, which shall not be less than five days from the issuing thereof, to inquire into and determine as to the necessity for making such street, lane, alley, square, market place or park, and also inquire into and determine as to the necessity of using such ground or premises for such purpose and to determine the just compensation to be made therefor and the damages to be paid to the parties interested therein; and the said justice shall, upon the appearance of said jury before him, according to said *venire*, administer to them an oath in substance as follows: You do each of you solemnly swear or affirm that you will well and truly inquire into and determine as to the necessity of opening or making a street, lane, alley, park, square or market-place, describing it, and that you will also inquire into and determine as to the necessity of using the lands or premises of A. B., describing them, therefor; and if you find that such necessity exists, that you will well and truly determine the just compensation to be paid therefor, and the damages to be paid to the parties interested therein.

Jury.

To inquire and determine.

Oath, form of.

SEC. 8. Any owner of lands or premises or any person having any interest therein which are sought to be taken by virtue of this act shall have the right to appear in person or by attorney, before such justice of the peace and before such jury, at each and every stage of the proceedings taken, and object to each and all of such proceedings and take exceptions to the rulings of said justice of the peace, and shall have the right to produce and have witnesses sworn in his, her or their behalf as to the necessity of making such street, lane, alley, square, market place or park, the necessity of taking the land or premises sought to be taken therefor, and the just compensation to be made therefor and the damage to be paid to any party interested therein.

Owner's right to appear.

SEC. 9. And after the said jury have heard the evidence offered in favor of and in opposition to the making of said street, lane, alley, square, market place or park, and as to the necessity of taking the land or premises sought to be taken therefor, and in relation to the compensation to be made and the damages to be paid the parties interested, and have personally inspected the land or premises sought to be taken therefor, they shall retire under the charge of an officer duly sworn for that purpose and determine as to the necessity of making the street, lane, alley, square, market place or park, and as to the necessity of taking the land or premises sought to be taken therefor, and if such necessities be made to appear to them they shall then determine the just compensation to be made for such premises and determine the

Determination of jury.

amount to be paid by said village to each and every person owning said premises or having any right or interest therein, and the finding of said jury shall be reduced to writing, signed by said jurors and filed with said justice of the peace who shall enter judgment thereon confirming the same.

Sums determined, when and to whom paid.

In case of non-resident.

In case of refusal to receive.

Proviso.

Appeal.

Bond.

Not to prevent, making, laying out, etc.

Proceedings of circuit court on appeal.

Judgment.

Costs.

How paid.

SEC. 10. All sums so determined by said jury to be paid shall be paid or tendered to the person or persons who are entitled to the same before such street, lane, alley, square, market place or park shall be made, opened or altered, if the person or persons entitled to the same shall reside in said village of Howard City; and if not it shall be paid into the village treasury for the use of such person or persons, and if tender is made to any party entitled and he or they refuse to receive the same, then the money shall be paid into the treasury of the village of Howard City for the use of such person or persons, to be paid to him or her or them upon application therefor, and it shall thereupon be lawful for the said board of trustees to cause the said grounds or premises to be converted to and used for any of the purposes herein mentioned: *Provided*, That any person claiming compensation or damages therefor, and who shall be dissatisfied with the determination of said jury, may appeal therefrom to the circuit court for Montcalm county, upon giving notice in writing of his intention to do so to said justice of the peace, within ten days after filing with said justice the determination of said jury as aforesaid, or in case the party is not a resident of said village, within ninety days from such filing, first giving bond with two sufficient sureties, to be approved by said justice, to pay all costs that may be awarded against him in the circuit court, which bond shall be filed in the circuit court with said appeal; but no appeal, supersedeas, injunction or any other process or proceeding from any court whatever shall prevent the [immediate] making, laying out, opening, establishing or altering such street, lane, alley, square, market place or park.

SEC. 11. Upon filing a notice [copy] of said determination of said jury, and their finding as to the compensation and damages to be paid for the premises sought to be taken, with a copy of the notice of appeal in the circuit court, duly certified by said justice of the peace, if done within thirty days from the time of giving notice of such appeal, the said circuit court shall have jurisdiction of the said appeal and shall proceed in the same manner as is usual in other cases of appeal to determine the amount of compensation or damages which should be paid to the appellant, and if the damages or compensation awarded by said court upon such appeal shall not be greater than the amount assessed by the jury, the court shall give judgment against the party appealing for the costs of the appeal, but if the compensation or damages awarded in said circuit court be more than assessed by said jury in said justice's court, then said appellant shall recover his or her damages awarded in said circuit court with his or her costs, to be taxed against the village of Howard City, but in such case the money paid, tendered or deposited to or for the said appellant, as-

hereinbefore stated, shall be considered as part payment of judgment. In all cases where any real estate subject to any lease or agreement shall be taken as aforesaid, all the covenants, stipulations and agreements contained therein shall cease, determine and be discharged as to the land so taken as aforesaid, upon the payment or tender of the money determined to be paid by said jury to the person having such lease or agreement, or upon depositing the same for his use as aforesaid, and the circuit court for said county, on application of any party in interest in such lease or agreement, and after notice thereof of fifteen days in writing to the other parties in interest, may appoint three disinterested residents and freeholders of said village, commissioners to determine the rents and payments thereafter to be made, and the covenants and stipulations or conditions thereafter to be performed, under the lease or agreement in respect to the residue or part of such real estate not taken. Said commissioners shall, before entering on their duties take and subscribe an oath to be administered by the court, faithfully to discharge their duties, which shall be filed in said court. Said three commissioners shall make and sign a report in writing of their doings to said court, which shall be filed therein within twenty days after their appointment, and said report, on being confirmed by the court, shall be binding and conclusive on the parties in interest to such lease or agreement, and the fees and expenses of proceedings under this section shall be borne in whole or in part by the parties to such lease or agreement or either of them or by the village, as the court may direct.

In case of lease.

Commission to determine lessee's right.

Oath of commissioners.

Report.

To be filed.

Fees and expenses.

SEC. 12. All courts, jurors, or other officers or persons employed or rendering any services as required under the provisions of this chapter for condemnation of private lands or property for public use, shall be entitled to the same compensation and against the same parties, and costs shall be taxed and awarded in the same manner, as near as may be, as is provided in the general laws of this State in similar cases.

Compensation for service.

CHAPTER X.

ORDINANCES.

SECTION 1. The style of all ordinances of said village adopted after the passage of this act shall be "The Village of Howard City Ordains." The time when any ordinance passed by the village board shall take effect shall be fixed and prescribed in the ordinance, which time shall not be less than fifteen days from the passage thereof. No by-law or ordinance of said corporation shall have any effect until the same shall have been published at least two weeks in a newspaper printed in said village, or until it shall have been posted up ten days in three or more public places in said village, and an affidavit of the said publication in the manner aforesaid, in case the publication is by posting up, to be made by the clerk of the village, and in case the publication is in a newspaper then by

Style of ordinances.

When to be in effect.

Publication.

the publisher of the newspaper in which the same was published, entered at large upon the records of said corporation, shall be *prima facie* evidence of such publication. Two weeks' publication under this section shall be construed to mean two issues of the paper in which such ordinance is printed.

Village board
may prescribe
penalties.
Limit.

SEC. 2. When by the provisions of this act the village board have authority to pass ordinances or by-laws on any subject, they may prescribe a penalty, not exceeding one hundred dollars' fine or ninety days' imprisonment, or both, in the discretion of the court, together with costs of prosecution, for a violation of any of said ordinances or by-laws, and may provide that the offender, on failing to pay any fine, penalty or forfeiture, together with the costs of prosecution, may be imprisoned in the county jail of Montcalm county, or in the lock-up of said village, for any term not exceeding ninety days.

Fines, how col-
lected.

SEC. 3. Whenever any person shall violate any ordinance of said village, the violation of which is only punishable by fine, the same may be sued for by the attorney of the village or any member of the board of trustees, in the name of the president and trustees of the village of Howard City, before any justice of the peace of the township in which said village is situated or before any justice of the peace living and [or] residing in said village, and in such case the justice shall issue a summons, returnable not less than two nor more than six days from the date thereof, which may be directed to the marshal of said village or to the sheriff or any constable of said county, and may be served by any one of said officers, but the same shall be served at least two days before the return day thereof, in the same manner as summonses issued by justices of the peace under the laws of this State, and the same provisions and principles of law, not inconsistent with this act, shall apply to said summons, the service and return thereof, and all subsequent proceedings to and including the rendition of judgment therein, as applies to the collection of penalties before justices of the peace under the general laws of this State.

Punishment for
misdemeanor.

SEC. 4. Every person who shall be convicted of the violation of any ordinance of said village or of this act defined to be a misdemeanor, the punishment of which is not otherwise prescribed by any ordinance or by-law of said village or by this act, shall be punished by imprisonment in the common jail of Montcalm county, or in the lock-up of said village not exceeding ninety days, or by fine of not more than one hundred dollars, or by both such fine and imprisonment, in the discretion of the court.

Ordinances,
etc., to remain
in force.

SEC. 5. All ordinances, by-laws and resolutions passed by the village board of Howard City, which are in force at the time of the passage of this act, shall remain in full force and effect as if passed under the provisions of this act, until repealed, amended or revised by any village board hereafter elected: *Provided*, That they do not contain anything repugnant to the provisions of this act.

Proviso.

CHAPTER XI.

ENFORCEMENT OF ORDINANCES [ORDINANCE.]

SECTION 1. Whenever any person shall be charged with having violated any by-law or ordinance of the village, by which the offender is liable to imprisonment, any justice of the peace of the township of Reynolds or of said village, to whom complaint shall be made, shall issue a warrant under his hand, directed to the sheriff or any constable of said county, or to the marshal of said village, commanding him or them, in the name of the people of the State of Michigan, to bring the body of such person before him forthwith, to be dealt with according to law and to answer unto the village of Howard City, and any such officer to whom such warrant shall be delivered for service is hereby required to execute the same, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process, and all process issued by any justice of the peace to enforce or carry into effect any of the by-laws or ordinances of the village of Howard City, may be delivered to the sheriff or any constable of the county of Montcalm or to the marshal of the village of Howard City, and the marshal or other officer to whom such warrant shall be delivered for service is hereby required to execute the same in any part of this State where the offender may be found, under the penalties which by law are incurred by sheriffs and other officers for neglecting or refusing to execute other criminal process.

Jurisdiction of justices of the peace.

Who to serve process.

Penalty for neglect to serve.

Officers required to execute.

SEC. 2. Any justice of the peace residing in the township in which said village is situated, or residing in said village, shall have full power and authority, and it is hereby made the duty of such justice, upon complaint to him in writing, to inquire into and hear, try and determine all offenses which shall be committed within said village against any of the by-laws or ordinances which shall be made by the board of trustees in pursuance of the powers [power] granted by this act, and to punish the offenders as by said by-law or ordinance shall be provided or directed; to award all process and take recognizance for the keeping of the peace, for the appearance of the person charged and upon appeals, and to commit to Montcalm county jail or the village lock-up, as occasion may require, and all persons committed to the village lock-up or to said jail by any justice of the peace, for any violation of any by-law or ordinance enacted by said board of trustees, shall be in the custody of the keeper of the village lock-up (or of the county jail) of said county, as the case may be, who shall keep the person so committed until lawfully discharged as in other cases.

Duties of justices of the peace.

To commit persons.

To whose custody.

SEC. 3. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of the village, and in all proceedings in the village relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of such ordinances, and whenever it shall be neces-

Judicial notice of ordinances.

What to be
proof of ordin-
ances, etc.

sary to prove any of the laws, regulations or ordinances of said village, or any resolution adopted by the said village board, the cause may be read and received in all courts of justice and in all proceedings; first, from the record thereof kept by the village clerk; second, from a copy of the ordinance, by-law or resolution, or of the record thereof certified by the clerk under the corporate seal of the village; third, from any volume of ordinances purporting to have been written or printed by authority of the village board.

Proceedings
under this act
to conform to
general law.

SEC. 4. In all trials before any justice of the peace under the provisions of this act, any person, charged with the violation of any by-law or ordinance of the village, may demand of such court a trial by jury, and all proceedings for selecting and summoning such jury and in the trial of the cause shall be in conformity, as near as may be, with the mode of proceeding in similar cases before justices of the peace.

Warrants to
contain what.

SEC. 5. Warrants issued by any justice of the peace for the apprehension of persons charged with violating any ordinance or by-law of the village of Howard City shall recite substance of the complaint, and shall command the officer to whom the same is directed, as is provided in section one of chapter eleven of this act, and on the person charged being brought before the justice issuing such warrant the same proceedings shall be had, as near as may be, as is provided by law for the trial, conviction and punishment of offenders against the laws of this State, or for the trial of such offenses as justices of the peace have jurisdiction to hear and determine.

Proceedings on
trial.

Appeal.

SEC. 6. In all civil or criminal cases tried before any justice of the peace for the violation of any village by-law or ordinance, the same right of appeal *certiorari* shall be allowed to the circuit court for the county of Montcalm, as is allowed from the decision and judgment of justices of the peace in townships, and such appeals may be taken in like manner and with like effect.

Use of Mont-
calm county jail
allowed.

SEC. 7. The corporation of said village shall be allowed the use of the common jail of the county of Montcalm for the imprisonment of any person liable to imprisonment under the by-laws or ordinances of said corporation, and all persons so committed to said jail shall be under the charge of the sheriff or keeper of the jail of said county as in other cases: *Provided*, The county shall in no wise be charged with the costs and expenses of imprisonment in civil cases.

Proviso.

Penalty for not
paying over
moneys.

SEC. 8. If any person who shall have received any fines or other moneys belonging to said village shall neglect or refuse to pay over the same, pursuant to the provisions of this act, it shall be the duty of the village board to cause suit to be commenced immediately therefor, and to prosecute the same to effect. Any person receiving any such fines or other moneys who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions shall be deemed guilty of a misdemeanor.

CHAPTER XII.

STREETS AND SIDEWALKS.

SECTION 1. Whenever the village board shall deem expedient to construct or repair any sidewalk or pavement, or plank any street, lane, or alley, within said village, they may, by ordinance or resolution, require the owner or owners of any lot or premises adjoining said street to build such sidewalk, or construct such pavement, or plank such street, lane or alley, to the middle of the same, in front of his, her or their lot or premises; or they may direct such sidewalks and pavements to be made and such street or streets to be planked according to the provisions of this act. If the owner or owners of any lot in the said village, after notice so to do shall have been given, served or published as the village board may direct by ordinance or resolution, shall fail or neglect to construct or repair any sidewalk or pavement, or to plank any street, or to clear away any snow, ice or other obstruction from any sidewalk, street, lane or alley in the said village, within such time as the village board may prescribe or require by ordinance or resolution, the village board may cause the same to be done at the expense of the village. An accurate account of the expense thereof shall be kept by the street commissioner and returned to the village clerk, which said account shall be certified by the street commissioner and filed in the office of the village clerk within five days after the said work shall be done. Said account, so certified by said street commissioner, shall contain a description of each parcel of real estate adjoining which such sidewalk, pavement or planking was made, repaired or reconstructed, and the expense thereof, and also the name of the owner or occupant of each parcel of said real estate if known, and if not known shall be so stated in said account, and such expense shall be deemed to be a special assessment upon such lot or premises, and the village board may add the same to the amount of the general village tax on such lot or premises on the proper tax roll next thereafter to be made; and the amount so added shall be a lien on the premises in the same manner as the tax to which it is added and may be collected and enforced and if not paid the land sold thereafter in the same manner as ordinary village taxes.

Village board may require walks, etc., to be built or repaired by owner, etc.

In case of neglect or refusal of owner.

Board may cause the same to be done and make certificate.

What certificate to contain.

Deemed to be a special assessment.

Lien.

SEC. 2. All cross-walks shall be constructed at the expense of the village, and all gutters at the expense of the owner or owners in front of or adjoining whose premises said gutters are to be built, laid or constructed.

Cross-walks and gutters, construction of.

Sec. 3. Said village board shall have power to repair or clean sidewalks, pavements or planking as they shall by by-law, ordinance or resolution prescribe, after neglect or refusal of the owner or owners of said premises to perform the same, at the expense of the village, and may recover the amount of such expenses from the owners thereof in the same manner and form as is prescribed by section one of chapter twelve of this act for the

Power of board in case of neglect or refusal of owner, etc.

Grades and grading.	recovery of the expenses of building sidewalks, pavements, or planking streets, lanes or alleys.
Plats of additions to be approved.	<p>SEC. 4. The village board shall have full power to establish all grades of streets, sidewalks, pavements, lanes or alleys, and regulate the grading of the same; but the grading and repairing of streets, lanes or alleys and the grading for sidewalks shall be at the expense of the village.</p> <p>SEC. 5. The village board shall have power to make regulations as to the platting of additions to the village, so that the streets of said additions shall conform with and continue those already laid out; and no plat of any addition within the corporate limits of the village shall be recorded by the register of deeds of said county, until the village clerk of said village has certified thereon the approval of the village board.</p>

CHAPTER XIII.

MISCELLANEOUS PROVISIONS.

Granting licenses.	<p>SECTION 1. The village board may prescribe the terms, conditions and time, not exceeding one year, upon which licenses may be granted and direct the manner of issuing and revoking the same, and by what officer or officers they shall be issued and revoked, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable. Every license shall be revocable by the board at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall in addition to all other penalties imposed forfeit all payments made for such license. The village board may provide for the punishment by fine or imprisonment, or both, of any person who without license shall exercise any occupation or trade or do any thing for or in respect to which any license shall be required by any ordinance or regulation of said village board or by this act.</p>
Not transferable. Revocable.	
Payments forfeited.	
Punishment of persons acting without license.	
When votes of council to be recorded.	<p>SEC. 2. Whenever required by two members, the votes of all the members present of the village board in relation to any act, proceedings or propositions had at any meeting, shall be entered at large upon the records and the minutes kept by the clerk, and such votes shall be entered in relation to the adoption of any resolution or ordinance [ordinances], report of a committee, or other acts for assessing or taxing the citizens of said village or involving the appropriation of moneys.</p>
Meetings of board to be public.	<p>SEC. 3. The meetings of the village board shall be public; the minutes of their proceedings shall be open at all times for public inspection.</p>
Title to streets not gained by lapse of time.	<p>SEC. 4. No person shall be deemed to have gained any title as against the village by loss [lapse] of time to any street, lane, alley, common or public square heretofore laid out or platted by the proprietor or proprietors of said village, or any part thereof, by reason of any encroachment or enclosure of the same.</p>

SEC. 5. The president and trustees shall not receive any compensation for their services except when acting on board of review, registration, inspectors of elections or street commissioners, when each so acting shall receive such compensation as the president and trustees shall direct; the clerk, assessor, treasurer and marshal shall receive such salary for each year as the president and trustees shall prescribe, which shall be in full compensation for all services rendered by them, which said compensation shall be fixed by the said president and trustees on or before the third Tuesday in April in each year after the passage of this act.

Compensation
of officers.

When and by
whom fixed.

SEC. 6. No member of the board of trustees shall during his continuance in office become security for the performance of any official act or duty to be done or performed by any person elected or appointed to any office under the provisions of this act, and during the time for which he may be elected or appointed a member of the board he shall not be interested directly or indirectly in any contract or purchase the expense or consideration whereof is to be paid out of the village treasury.

Members of
board not to be-
come security.

Or be interested
in any contract.

SEC. 7. The village board shall at the expiration of each year cause to be made out a true statement exhibition in detail all items of receipts and expenditures of the preceding year, and the clerk shall cause the same to be laid before the electors of the said village at each next annual election herein provided for.

Yearly state-
ment.

SEC. 8. The said village board may, by a majority vote of all the members elect, expend in repairs upon the public highway leading to the village and outside of the corporation limits thereof such an amount of money as they may deem advisable, provided that they shall not so expend more than five hundred dollars in any one year.

May expend
money outside
of village.

Proviso.

SEC. 9. Whenever any building in said village shall be on fire it shall be the duty and shall be lawful for the chief engineer with the consent of the president or any trustee or for any two trustees to order and direct such building or any other building which they may deem hazardous and likely to communicate fire to other buildings or any part of such building to be pulled down and destroyed and no action shall be maintained against the village therefor, but said village shall be liable for such damage as may be proven in any court of competent jurisdiction.

Buildings may
be destroyed,
when.

Village liable
for damage.

SEC. 10. Whenever by this act, or any other provision of law, any power or authority is vested in or duty imposed upon the corporation, village board or board of health of said village, such village board or board of health may enact such appropriate ordinances, not inconsistent with the laws and constitution of this State, as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duties and enforce the same by suitable fines, penalties, forfeitures or imprisonment.

Village board
or board of
health may
enact ordinan-
ces.

SEC. 11. The village board shall have power to provide and maintain a village lock-up, and such watch or station houses as they may deem necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under

Board to pro-
vide a lock-up,
etc.

the ordinances of the village and for the employment of those imprisoned therein.

Prisoners may
be kept at labor.

SEC. 12. All persons sentenced to confinement in such lock-up and all persons imprisoned therein on execution for the non-payment of fines, for violation of the ordinances of the village, may be kept at hard labor during the term of their imprisonment, either within or without the lock-up, under such regulations as the board may prescribe.

This act is ordered to take immediate effect.

Approved March 1, 1887.

[No. 365.]

AN ACT to amend section number eight of an act entitled "An act to amend sections number two, three, four, five, six, seven, eight, nine, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two and thirty-six of an act entitled 'An act to incorporate the village of Leslie,' approved March thirtieth, eighteen hundred and sixty-nine as amended by act number two hundred and fifty-eight of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three, approved March fourteen, eighteen hundred and seventy-seven, as amended by act number three hundred and eight of the session laws of eighteen hundred and eighty-five," approved April second, eighteen hundred and eighty-five.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section number eight of an act entitled "An act to amend sections number two, three, four, five, six, seven, eight, nine, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-five, twenty-six, twenty-seven, thirty, thirty-one, thirty-two and thirty-six of an act entitled 'An act to incorporate the village of Leslie,' approved March thirtieth, eighteen hundred and sixty-nine as amended by act number two hundred and fifty-eight of the session laws of eighteen hundred and seventy-three, approved April eighteenth, eighteen hundred and seventy-three, approved March fourteen, eighteen hundred and seventy-seven; as amended by act number three hundred and eight of the session laws of eighteen hundred and eighty-five," approved April second, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Common
council.
Authority of.
President of.

SEC. 8. The president and trustees when assembled together shall constitute the common council and shall be vested with the legislative authority of said village. The president of the village shall be president of the common council and preside at the meetings thereof. In case of his absence the common council shall appoint one of their number president *pro tem.*, who shall preside at the meetings thereof and exercise all the powers and duties

President
pro tem.

of president. The common council shall hold regular meetings for the transaction of business at such time as it shall prescribe, and not less than one shall be held in each month. The president or any three trustees may appoint special meetings, notice of which in writing shall be given to each trustee or be left at his residence at least twenty-four hours before the meeting. All meetings of the common council shall be public. A majority of the common council shall make a quorum for the transaction of business, but a less number may adjourn from time to time. The common council may prescribe the rules of its own proceedings and keep a record thereof. No member of the common council nor any officer of the corporation shall be directly or indirectly interested in any contract made by or service to be performed for the corporation: *Provided*, That this act shall not prevent officers receiving compensation authorized by this act. The members of the common council shall each receive the sum of fifty cents for every meeting attended by them, which shall be in full for all official services performed by them: *Provided further*, That they shall not receive pay for more than forty meetings in one year: *Provided further*, That the president of said village shall be the assessor for said village, and shall, *ex-officio*, also be a member of the board of supervisors of the county of Ingham, and he shall attend all the meetings of said board and be entitled to vote upon all matters that may be brought before the board of supervisors; and for attending all such meetings he shall receive the same compensation authorized by law to be paid to the township supervisors for similar services, to be audited by the board and paid by the county.

Regular meetings.

Special meetings.

Meetings to be public.

Rules.

Members of council not to be interested in contracts, etc.

Proviso.

Further proviso.

Further proviso.

President to be supervisor, etc.

Compensation.

This act is ordered to take immediate effect.

Approved March 2, 1887.

[No. 366.]

AN ACT to amend section one of chapter one of an act entitled "An act to incorporate the city of Marquette," being act two hundred and two of the session laws of eighteen hundred and seventy-one, approved February twenty-seventh, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter one of an act entitled "An act to incorporate the city of Marquette," being act two hundred and two of the session laws of eighteen hundred and seventy-one, approved February twenty-seventh, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof, be and the same is hereby amended so as to read as follows:

Section amended.

CHAPTER I.

Territory
incorporated.

SECTION 1. That all the following described territory, situated in the township of Marquette, and county of Marquette, to wit: Fractional section one, the east half and the east half of the west half of fractional section two, the east half and the east half of the west half of fractional section eleven, fractional sections thirteen and fourteen, sections fifteen and twenty-two, fractional sections twenty-three, twenty-four and twenty-six, sections twenty-seven, thirty-four and thirty-five, and fractional section thirty-six, in township number forty-eight north of range number twenty-five west, be and the same is hereby set off from the township of Marquette and declared to be a city by the name of the city of Marquette, by which name it shall hereafter be known.

Corporate
name.

This act is ordered to take immediate effect.
Approved March 2, 1887.

[No. 367.]

AN ACT to authorize the common council of the village of Sheridan in the county of Montcalm to prescribe by ordinance from time to time limits or districts within which wooden buildings and structures shall not be erected, placed or enlarged.

Common coun-
cil to prescribe
fire limits, etc.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Sheridan, Montcalm county, shall be and is hereby authorized and empowered to prescribe by ordinance from time to time limits or districts within which wooden buildings or structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, and the materials of which the outer walls and roofs shall be constructed.

This act is ordered to take immediate effect.
Approved March 2, 1887.

[No. 368.]

AN ACT to legalize the action of the board of supervisors of Gratiot county in incorporating the village of Ashley.

Preamble.

WHEREAS, Application in writing was made to the board of supervisors of Gratiot county in the State of Michigan, at a regular meeting thereof held at Ithaca, October eleventh, eighteen hundred and eighty-six, by A. H. Phinney and fourteen other legal voters, praying that the following territory, to-wit: commencing eighty rods north of the southwest corner of section number six, town nine north of range one west, Elba, Gratiot county, Michigan; running thence east one mile, thence south one mile, thence west one mile, thence north one mile to place of

beginning, may be incorporated a village, to be known as the village of Ashley; and

WHEREAS, It appears by certified copies that all the proceedings necessary to be taken for the incorporation of said village by the board of supervisors under chapter eighty-two of Howell's Annotated Statutes of Michigan were duly given; and

WHEREAS, It appears by the order of said board of supervisors in declaring said territory to be an incorporated village of Ashley, the boundaries thereof were incorrectly stated and described as commencing at the southeast corner instead of the southwest corner of section six; and

WHEREAS, It also appears that at an adjourned meeting of said board of supervisors, held January seventh, eighteen hundred and eighty-seven, said board passed a resolution declaring that said word "east" between the words "south" and "corner" in said order was meant and intended to have been "west," as in said petition set forth; therefore

SECTION 1. *The People of the State of Michigan enact*, That the action of the board of supervisors of Gratiot county, had on the seventh day of January, eighteen hundred and eighty-seven, in declaring that the word "east" in the order incorporating the village of Ashley ought to have been "west," as in the said petition set forth, be and the same is hereby declared to be legal and valid, and that the boundaries of said village be and the same are hereby declared to be fixed as described in said petition; and all subsequent acts of said village of Ashley, the election of officers, rules, by-laws, resolutions or ordinances, and the acts of officers thereof, had under and by virtue of said order of said board of supervisors of October eleventh, eighteen hundred and eighty-six, shall in no wise be affected by said clerical error, but the same shall be and are hereby declared to be legal and valid and of force.

Action of board
or supervisors
legalized.

This act is ordered to take immediate effect.

Approved March 2, 1887.

[No. 369.]

AN ACT to divide the township of Breen in the county of Menominee into two election districts.

SECTION 1. *The People of the State of Michigan enact*, That the township of Breen in the county of Menominee be and the same is hereby divided into two election districts as follows: District number one shall consist of the north half of the townships numbered forty and all of the townships numbered forty-one in ranges twenty-seven and twenty-eight west; and district number two shall consist of the whole of the townships numbered thirty-nine and the south half of the townships numbered forty in ranges twenty-seven and twenty-eight west.

Township
divided.

District No. one
described.

District No. two
described.

SEC. 2. The first election to be held on the first Monday in

First election.

When and
where held.

April, eighteen hundred and eighty-seven, in said district number one shall be held in the school-house at Foster City, and said election to be held in district number two shall be held at the place where the town meetings and elections in said township have heretofore been held.

Subject to
general law.

SEC. 3. Said election districts, when so formed, shall be subject to all the provisions of act number two hundred and three of the session laws of eighteen hundred and seventy-seven, being chapter eight of Howell's Annotated Statutes, except the first section thereof, and all elections held therein shall be conducted in the manner and by the officers prescribed by said act, and the votes cast thereat shall be canvassed in accordance with the requirements of said act.

Exception.

This act is ordered to take immediate effect.

Approved March 2, 1887.

[No. 370.]

AN ACT to authorize the township of James in Saginaw county to borrow four thousand dollars on its bonds to build a bridge across the Tittabawassee river.

Authorized to
borrow \$4,000 to
build a bridge.

SECTION 1. *The People of the State of Michigan enact*, That the township of James in the county of Saginaw is hereby authorized to borrow four thousand dollars on the bonds of said township to build a bridge across the Tittabawassee river in said county, in the manner provided in this act, at the point where the bridge built by the Swan Creek and Saginaw Bridge Company is now located.

Time of pay-
ment of bonds.

SEC. 2. The supervisor and clerk of said township shall have power to and it shall be their duty to fix the time of payment of such bonds, the same not exceeding the period of ten years from the date thereof, and the place of payment; and to fix the rate of interest to be borne by said bonds, not exceeding seven per centum per annum, payable annually; and such bonds shall be signed by the supervisor of said township and countersigned by the township clerk, and shall be negotiated by the treasurer of said township; and the date of the sale thereof shall be indorsed on each of such bonds and signed by said treasurer. The money received from such bonds and all private contributions to aid in the building of such bridge shall be paid into the township treasury, subject to and to be paid out on the order of the supervisor and clerk aforesaid as provided in this act. The township clerk shall enter upon the book of township records a full description of such bonds, giving their date, number, amount, rate of interest, when payable and when delivered to the treasurer to be negotiated, and shall charge the said treasurer with the amount thereof.

Interest, etc.

Money, how
paid.

Duty of clerk.

Electors to vote
on question of
bonds.

SEC. 3. The bonds aforesaid shall not be issued nor said bridge built unless a majority of the electors of said township,

voting thereon, shall vote therefor at a special township meeting to be held in said township as provided in this section. It shall be the duty of the township clerk of said township to immediately give notice of a special meeting of the said electors to vote upon said question, by posting written notices of such meeting in five public places in said township at least ten days before the time fixed in said notice for such meeting, stating the time and place when and where the same will be held. The inspectors of election of said township shall be the inspectors of election at such special meeting, and the vote shall be by ballot, inscribed "For the bridge loan—Yes," or "For the bridge loan—No," and such inspectors shall canvass such votes, and make duplicate certificates of the result of such vote, signed by them or a majority of them, one of which shall be deposited with the township clerk and the other with the clerk of Saginaw county. Electors whose names are not on the register of electors of said township may be put thereon on the day of such election.

Notice of
special meeting.

Inspectors.

Ballots.

Certificates.

SEC. 4. The supervisor, clerk and commissioner of highways of said township, for the time being, shall be special commissioners to have charge of the building of such bridge, and the action of any two of them shall be legal and binding. It shall be their duty as soon as practicable to procure detailed drawings and specifications for such bridge and to deposit the same with the township clerk in his office subject to inspection, and to advertise in some newspaper printed in said county for sealed proposals for the building of such bridge and furnishing the materials therefor, and to contract therefor with the lowest responsible bidder, who shall give to said township bonds for the performance of his contract satisfactory to said special commissioners: *Provided*, Such lowest bid does not exceed the amount that may be lawfully applied to the building of such bridge.

Special com-
missioners.

Duty of.

Proviso.

SEC. 5. Said special commissioners or any two of them may and it shall be their duty in behalf of said township to enter into a contract for the building of said bridge and furnishing the materials therefor, and they are hereby authorized to draw their orders upon the said treasurer to pay for such work and materials, as the same shall become due and payable according to the terms of such contract.

Further duties
of commission-
ers.

SEC. 6. It shall be the duty of the supervisor of said township each year, and until such bonds are paid, to include in the sum to be raised in said township for township expenses and to assess upon the taxable property of said township such amount of money as may be required and will be sufficient to pay the interest and principal of such bonds as the same become due and payable.

Duty of
supervisor.

This act is ordered to take immediate effect.

Approved March 3, 1887.

[No. 371.]

AN ACT to re-incorporate the village of Potterville in the county of Eaton.

Territory
re-incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country situated in the township of Benton, being town number three (3) north of range four (4) west, in the county of Eaton, described as follows, to-wit: Southeast quarter ($\frac{1}{4}$) of southwest quarter ($\frac{1}{4}$) of northeast quarter ($\frac{1}{4}$), the south twenty (20) acres of east half ($\frac{1}{2}$) of northeast quarter ($\frac{1}{4}$), the east half ($\frac{1}{2}$) of southeast quarter ($\frac{1}{4}$), and the east half ($\frac{1}{2}$) of west half ($\frac{1}{2}$) of southeast quarter ($\frac{1}{4}$) of section twenty-three (23); the south twenty (20) acres of west half ($\frac{1}{2}$) of northwest quarter ($\frac{1}{4}$) and the west half ($\frac{1}{2}$) of southwest quarter ($\frac{1}{4}$) of section twenty-four (24); the northwest quarter ($\frac{1}{4}$) of northwest quarter ($\frac{1}{4}$) of section twenty-five (25); the northeast quarter ($\frac{1}{4}$) of northeast quarter ($\frac{1}{4}$), and the east half ($\frac{1}{2}$) of northwest quarter ($\frac{1}{4}$) of northeast quarter ($\frac{1}{4}$) of section twenty-six (26), all in said township of Benton, be and the same is hereby made and constituted a village corporate by the name, style and title of "The village of Potterville."

Corporate
name.Present officers
to continue in
office, etc.

SEC. 2. The officers of said village now in office shall continue in office with the powers and duties conferred respectively by this act of re-incorporation until their successors shall be elected and qualified.

Present
ordinances con-
tinued.

SEC. 3. All the ordinances and by-laws of said village of Potterville, that are not in conflict with the general laws relating to the incorporation of villages herein referred to, shall be and remain in full force and effect until repealed by the council of said village.

First election
of officers.

SEC. 4. The first election of village officers under the provisions of this act shall be held in such village at such places as the common council thereof shall designate, on the second Monday of March, in the year of our Lord eighteen hundred and eighty-seven, and the polls of such election shall be opened at the time, and such election shall be held and conducted in all respects not herein otherwise provided as provided in the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting, as provided by law for the registration of voters in incorporated villages. The board of registration shall, for the first election, be composed of the clerk of such village and two trustees thereof, to be chosen by the common council of such village.

When polls
opened, etc.
Conducted
under general
law.

Registration.

Board of
registration.Notice of
first election.

SEC. 5. Notice of the first election shall be given by the clerk of said village by posting notices thereof, specifying the officers to be chosen, in three or more public places in said village at least eight days before such election. Such notices may be either written or printed.

Re-incorpora-
ted under
general law.

SEC. 6. The village of Potterville is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved

April first, eighteen hundred and seventy-five and the acts supplementary and amendatory thereto. The said village as re-incorporated shall possess all the rights and property and be subject to all the liabilities and obligations of the village as heretofore incorporated subject to said general act. Possessing all rights, etc., and subject to all liabilities, etc.

SEC. 7. All other acts relating to the incorporation of the village of Pottersville are hereby repealed. Acts repealed.

SEC. 8. This act is ordered to take immediate effect.

Approved March 3, 1887.

[No. 372.]

AN ACT to confirm the title to section sixteen (16) in township fifty-four north of range thirty-four west, in the county of Houghton and State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* all proceedings connected with the entry and purchase of section sixteen (16) in township fifty-four north of range thirty-four west in the county of Houghton and State of Michigan, by one Simon Mandlebaum and with the issuance of the patent therefor by the State be and the same are hereby validated, ratified and confirmed, all acts or parts of acts and executive and official orders made thereunder to the contrary notwithstanding. Title confirmed.

This act is ordered to take immediate effect.

Approved March 3, 1887.

[No. 373.]

AN ACT to amend act number three hundred and forty-seven of the local acts of eighteen hundred and eighty-one, entitled "An act to incorporate the city of Eaton Rapids, and to repeal an act incorporating the village of Eaton Rapids, approved April fifteenth, eighteen hundred and seventy-one," approved April first, eighteen hundred and eighty-one, by adding nine new sections thereto, to stand as sections fifty-five to sixty-three inclusive.

SECTION 1. *The People of the State of Michigan enact, That* act number three hundred and forty-seven of the local acts of eighteen hundred and eighty-one, entitled "An act to incorporate the city of Eaton Rapids, and to repeal an act incorporating the village of Eaton Rapids, approved April fifteenth, eighteen hundred and seventy-one," approved April first, eighteen hundred and eighty-one, be and the same is hereby amended by adding nine new sections thereto to stand as sections fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two and sixty-three, and read as follows: Act amended and section added.

SEC. 55. The common council, a majority of the members elect concurring, shall have power to cause the expense of con- Power of council as to opening streets, etc.

structing sewers, making, grading and opening of streets, sidewalks, crosswalks, parks, public grounds and other local improvements to be assessed in whole or in part against the owners or occupants of lots and premises to be benefited thereby, or by general tax, in whole or in part as they may deem just and proper; and they shall have power to cause the expense of paving any street or streets, and of opening and paving lanes and alleys, and the damages assessed for laying out said lanes and alleys to be assessed upon the premises adjoining and to be benefited thereby, and upon such premises only.

Expense of
public improve-
ment defrayed
by owner, etc.

SEC. 56. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment on the owners or occupants of houses and lands to be benefited thereby, they shall ascertain, as they may think proper, the estimated expense of such improvement done or to be done, and shall declare by an entry in their minutes whether the whole or what portion thereof shall be assessed to such owners or occupants, specifying the sum to be assessed and the portion of the city which they deem to be benefited by such improvement, and the costs and expenses of making the plans and assessments incidental thereto shall be included in the estimated expenses of such improvement.

Assessments
therefor, how
made.

SEC. 57. The common council or a committee appointed by them for that purpose, consisting of not less than three freeholders of said city, and not interested in any of the property so benefited, shall thereupon make an assessment upon all the owners or occupants of lands and houses within the portion or part of the city so designated of the amount of the expenses aforesaid, in proportion as nearly as may be to the advantage which each shall be deemed to acquire by such improvements, and shall make out an assessment roll, in which shall be entered the names of persons assessed, the valuation of property for which they are assessed, and the amount assessed to each of them respectively; and in case such lots or parts of lots shall belong to a non-resident, or the owner or owners are unknown, the same shall be entered accordingly, with a description of such lots or premises as is required by law in assessment rolls made by supervisors of townships, with the value thereof and the amount assessed therein, which assessment roll shall then be returned and filed with the recorder of said city.

Notice of
assessment and
review.

SEC. 58. Upon such return being made and filed, the recorder of said city shall cause notice thereof to be published in one or more papers of said city, stating the names of the persons assessed, or, in cases of non-residents and owners whose names are unknown, a brief description of the premises taxed shall be inserted, and that at a certain time and place to be designated in said notice the common council will meet and review said assessment roll on the request of any person conceiving himself aggrieved.

Assessment roll
reviewed,
amended, etc.

SEC. 59. The common council shall, at the time and place in said notice specified or at some session thereafter, take said assessment into consideration, and may rectify or amend said assessment roll in whole or in part or may set the same aside

and direct a new assessment, or they may ratify and confirm such assessment without any corrections, or with such corrections therein as they may think proper; and when such assessment roll shall be completed and ratified and confirmed by the council, a majority of the members elect concurring, the recorder shall endorse thereon or annex thereto his certificate that such assessment roll was ratified and confirmed by the common council, and the date of such confirmation. Certificate.

SEC. 60. Every assessment so ratified and confirmed by the common council, as aforesaid, shall be final and conclusive, and the same shall remain and continue a lien upon the premises assessed for such tax. Within ten days after such assessment shall have been ratified and confirmed, the mayor and recorder or either of them shall affix to such assessment and tax roll a warrant for the collection thereof, signed by him or them under the seal of said city, directed to the treasurer of the city, commanding him to collect the same within a time in said warrant to be specified, not less than thirty nor more than ninety days from the date of said warrant; and the said assessment and tax roll, with said warrant annexed, shall be delivered to said treasurer within the ten days aforesaid, who shall within the time mentioned in said warrant, or within such further time as the common council shall allow, be authorized to levy and collect the same by distress and sale of the personal property of any person chargeable with said tax; and in case sufficient personal property cannot be found whereon to levy and collect such tax, the treasurer shall, within five days after the time prescribed and limited for the collection thereof has expired, make a return under oath to the recorder of the sums so remaining unpaid, which he is unable for the want of such personal property to levy and collect the same, together with the description of the premises assessed for such unpaid taxes; and the recorder shall within ten days thereafter certify under his hand to the supervisor the amount of such unpaid taxes and a description of the premises assessed and chargeable with such tax, who shall assess such unpaid taxes on such premises in the general tax roll next thereafter made, and such tax shall then be levied, collected and returned, and the said premises may be sold for the non-payment thereof, as prescribed by law for the non-payment of the ordinary city taxes. Assessment final.
Warrant.
Authorizing to levy and collect.
Return.
Re-assessed in general tax roll.

SEC. 61. The common council, a majority of the members elect concurring, shall have power to make all such by-laws and ordinances relative to any special assessment or tax in said city as they may deem necessary to levy and collect such tax, in all cases when the manner of levying and collecting such tax is not provided for in this act: *Provided*, That such by-laws and ordinances are not inconsistent with any of the provisions of this act: *And provided also*, That whenever any person shall be improperly designated as the owner or occupant of any lot or premises in proceedings under this act, or any of the by-laws and ordinances of said city relative to any special assessment, shall not for that cause be vitiated, but the same shall be a lien upon such lot or premises, and as such lien shall be collected as in other cases. Power of council to make by-laws.
Proviso.
Further proviso.

Dangerous
buildings, etc.

SEC. 62. Whenever in the opinion of the common council any building, fence, or other erection of any kind, or any part thereof, is liable to fall down, and persons and property may be thereby endangered, they may order any owner or occupant of the premises on which such building, fence, or other erection stands, to take down the same or any part thereof within a reasonable time, to be fixed by the order, or immediately, as the case may require; or in case the order is not complied with may immediately cause the same to be taken down at the expense of the city and assess the expenses on the land on which it stood; the order, if not immediate in its terms, may be served on any occupant of the premises or to be published in one or more papers as the common council shall direct.

Drainage.

SEC. 63. The common council of said city shall have power to drain or to regulate the drainage of all swamps, marshes and wet lands within the corporate limits thereof; and they may assess the cost of said drainage in whole or in part upon the lands directly benefited thereby, to be collected in the same manner provided for the collection of local taxes assessed for local benefits: *Provided*, That the costs so assessed for drainage purposes shall not in any one year exceed five per cent of the assessed valuation of said land for the preceding year. Said common council shall also have the same powers to act in concert with the officers of adjoining townships in regard to drainage as are now or may hereafter be provided by law for adjoining townships: *Provided*, That the mayor, recorder and supervisor, under the direction of the common council, may act as its committee for that purpose.

Proviso as to
cost.

Further
proviso.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 374.]

AN ACT to amend sections two, four, nine, twelve, twenty-five and thirty-six of an act entitled "An act to incorporate the village of Ovid," approved March twenty-fourth, eighteen hundred and sixty-nine, being act number three hundred and forty-six of the session laws of eighteen hundred and sixty-nine.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two, four, nine, twelve, twenty-five and thirty-six of an act entitled "An act to incorporate the village of Ovid," approved March twenty-fourth, eighteen hundred and sixty-nine, being act number three hundred and forty-six of the session laws of eighteen hundred and sixty-nine, be and the same are hereby amended so as to read as follows:

First election.

SEC. 2. The male inhabitants of said village having the qualifications of electors under the constitution of the State shall at their next annual election elect by a plurality of votes, by ballot, one president, one recorder, one treasurer, one assessor, and a village marshal, who shall hold their respective offices for

Officers and
terms of office.

the term of one year and until their successors shall be elected and qualified, and three trustees who shall hold their offices for the term of two years and until their successors shall be elected and qualified, and annually thereafter on the second Monday of April there shall be elected by plurality of votes one president, one recorder, one treasurer, one assessor, and a village marshal, who shall hold their respective offices for the term of one year and until their successors shall be elected and qualified, and three trustees who shall hold their offices for the term of two years and until their successors shall be elected and qualified: *Provided*, That if an election of such officers shall not be made on said second Monday of April, it shall be lawful to hold such election at any time by giving notice thereof as provided in this act. The polls of such election shall be opened at nine o'clock in the forenoon, or as soon thereafter as may be, and shall be continued open until four o'clock of the same day and no longer.

Subsequent elections, etc.

Providso.

SEC. 4. The common council shall appoint annually a village attorney and may also appoint one or more street commissioners, and all such other officers whose election is not herein specially provided for as they may deem necessary to carry into effect the powers granted by this act, and may prescribe their duties, but any such appointment shall be made at a regular meeting of the common council.

Council to appoint certain officers.

SEC. 9. The common council shall have power to remove from office any officer appointed by them for any violation of the provisions of this act, or of any ordinance or by-law of said village, or for refusing to perform the lawful requirements of said council, but such removal shall not exonerate any such officer or his sureties from any liability incurred.

Power of council to remove, etc.

SEC. 12. In case a vacancy shall occur in the office of president, trustee, recorder, treasurer, assessor or village marshal, the same may be supplied by a special election or by appointment by the common council and in all other cases of vacancy the same shall be supplied by the appointment of the common council.

Vacancies, how filled.

SEC. 25. The village recorder shall safely keep the corporate seal and the books, papers and files belonging to said village and shall make a record of all the proceedings of the common council, whose meetings it shall be his duty to attend, and shall make a record of all ordinances and by-laws passed by the common council in proper books to be provided therefor; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council certified by him, with or without the corporate seal of the village, shall be evidence in all courts and places of the matters therein contained, and he shall prepare accurate account, in books provided for such purpose, under appropriate heads, of all expenditures and of all orders drawn upon the village treasury, which account shall specify the purposes for which such orders were drawn: *Provided*, That in case of the death or inability of the recorder or vacancy of the office of recorder his duties may be performed by the president or president *pro tempore* of said village until said vacancy shall be filled.

Duties of recorder.

Providso.

Power of council relative to streets, lanes, etc.

Taking private property for public uses.

Council to negotiate for, etc.

Proceedings in case of refusal to sell.

Jury.

Oath of.

To determine damages.

Report.

Compensation to owner, etc.

SEC. 36. The common council shall have power and authority to lay out, open and extend, widen, straighten, alter, close, vacate and improve such streets, highways, alleys, lanes, water-courses, squares, market-places, and public parks in said village as they shall deem necessary for the public good and convenience; and if in the opening thereof the property or lands of any person shall be required for such purpose the common council shall so declare by resolution, stating therein the description of the lands, premises or property required, and the purposes for which the same are to be used, and that the common council will meet on some day to be named in the resolution to take action in regard to the matter, and notice of such meeting shall be given to the owners or parties interested, or his, her or their agents, or representatives, by personal service of a copy of such resolution or by publication of a copy of such resolution in a newspaper published in said village, at least three weeks previous to the time appointed in said resolution for the meeting of the common council; and the common council is hereby authorized to negotiate with the person or persons interested in or owning such grounds or premises for the same and to pay therefor such reasonable sum as may be agreed upon; but if such person shall refuse to negotiate for such land or premises or if for any other cause there shall not be any agreement or bargain between the parties therefor, it shall be lawful for the common council, at the time of the meeting appointed in such resolution, to direct the village recorder to issue a precept, under his hand, in the nature of a *venire facias*, directed to the marshal of said village or any constable in the county of Clinton, commanding him to summon a jury of twelve disinterested freeholders of said village to appear before any justice of the peace therein named, of the township of Ovid, in said village, at a time therein to be stated, to inquire into and determine the necessity for taking such property for public use and the just compensation to be made therefor; said jury shall all be present and acting together during the proceedings, and before acting shall take and subscribe an oath that they will justly and impartially ascertain and determine the necessity of taking and using any such real estate or property for public use for the purposes proposed; and if they deem the same necessary to be taken will ascertain and determine the damages or compensation which ought justly to be made by said village to the owners or persons interested in said property. This report and determination of said jury shall be made in writing and signed by each of said jurors and delivered to said justice of the peace; and the said justice, upon the report and determination so made, shall enter judgment confirming the same and the sum or sums assessed as damages, compensation and costs, together with his, her or their costs, shall be paid or tendered to the party or persons entitled thereto, if residing in said village, and if not residing therein to be paid to the village treasurer for the use of such party, person or claimant before such street, highway, lane, alley, water-course, square, market place or public park shall be

made, opened, established or altered, and it shall thereupon be lawful for the common council to cause the same grounds, premises or property to be immediately converted to and for the use and purposes aforesaid: *Provided*, That the common council or any party claiming damages shall have the right to remove or cause to be removed such proceedings by appeal to the circuit court for the county of Clinton, upon giving notice of his or their intention so to do to the said justice in writing, within ten days after judgment; or in case of the absence of said party from the village at the time of the rendition of the judgment, within thirty days after the verdict of such jury, and the judgment of said justice thereon as aforesaid: *Provided*, That if any party appeal other than the common council they shall first give a bond with two sufficient sureties, to be approved by said justice, conditioned to pay all costs that may be awarded against him in said circuit court, but no appeal, *supersedeas*, injunction or any other process or proceeding shall prevent the immediate making, laying out, opening, establishing, altering, straightening, widening or extending such street, lane, alley, square, water-course, market place or public park as aforesaid; and upon filing in said circuit court the said bond and a transcript of the proceedings aforesaid, duly certified by said justice, within forty days after the rendition of said judgment, the same proceedings shall be had in the circuit court and the granting of costs shall be governed by the same rules as is prescribed by law in cases of ordinary appeal in civil cases from justices' court, or as near as may be: *Provided further*, That the fees of said justice, jury, witnesses and of officers serving the papers shall be the same as in ordinary civil cases tried in justices' courts. Further proviso.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 375.]

AN ACT to authorize the township of Harmon in Oscoda county, Michigan, to borrow money on the bonds of said township for the purpose of buying a bridge.

SECTION 1. *The People of the State of Michigan enact*, That the township of Harmon in the county of Oscoda shall be and is hereby authorized and empowered to borrow the sum of twelve hundred dollars for the purpose of and to be applied to the purchasing of a bridge across the Au Sable river in said township, from the Massillon Bridge Company of Massillon, Ohio. Authorized to borrow \$1,200.
For what purpose.

SEC. 2. Upon the borrowing of said sum of twelve hundred dollars the said township of Harmon is by its township board hereby authorized and empowered to issue bonds upon the faith and credit of said township and to provide for the payment of the same by tax upon said township. Bonds, how issued and paid.

In what sums
to be issued.

Interest.

When payable.

Bonds of, when
due.

Bonds not to
issue except by
consent of elec-
tors, etc.

Notice of
election.

What to con-
tain.

Ballots.

Election, how
conducted.

Money how ex-
pended.

Money to pay
bonds, etc., how
raised.

SEC. 3. Said bonds, the issue of which is hereby authorized, shall be issued in sums of one hundred dollars each and shall be issued in behalf of and shall be signed by the supervisor and clerk of said township. They shall draw interest at a rate not exceeding six per cent per annum, payable annually, and shall be payable at the office of the treasurer of said township or at such place as the township board of said township shall direct, and shall become due and payable, one each for the sum of one hundred dollars, each year for the twelve years next succeeding their issue.

SEC. 4. Said bonds shall not be issued unless the people of said township shall consent thereto by a majority vote of the qualified electors thereof at the next regular election in April, eighteen hundred and eighty-seven.

SEC. 5. Notice of the submission of such question shall be given in the manner and for the length of time prescribed by law for holding special township meetings, and such notice shall state the amount of such proposed bonds and the purpose for which they are to be issued. The vote shall be by ballot and the ballots shall express "For the bridge bonds," or "Against the bridge bonds," and the result shall be as a majority of those voting shall determine. The election for such purpose shall be conducted and the result ascertained and certified in the manner provided by law for annual and special township meetings.

SEC. 6. Said money when so borrowed and received shall be expended for no other purpose than that expressed in this act, and the several amounts of money that will become necessary for said township to raise by tax upon the taxable property of said township with which to pay said bonds and the interest thereon as they shall become due shall be included in the annual statement of the township clerk to the supervisor, and shall be levied and collected in the same manner as moneys for general township purposes are levied and collected.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 376.]

AN ACT to change the name of the village of Jenisonville in the county of Ottawa to Jenison.

Name
changed.

SECTION 1. *The People of the State of Michigan enact, That* the name of the village of Jenisonville in the county of Ottawa be and is hereby changed to Jenison.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 377.]

AN ACT to incorporate the village of Sherwood in Branch county.

SECTION 1. *The People of the State of Michigan enact, That* the following described territory, to-wit: The west half of the southwest quarter of section twenty-seven, the west half of the northeast quarter of section thirty-four, the northeast quarter of section thirty-three, the east half of the northwest quarter of section thirty-three, the east half of the southwest quarter of section twenty-eight, and the southeast quarter of section twenty-eight, situated in town five [5] south, range eight [8] west, county of Branch, be and the same is hereby constituted a village corporate to be known as the village of Sherwood. Territory incorporated.

SEC. 2. The first election of officers of said village shall be held at the opera house in said village, on the fourth Monday in March, in the year of our Lord eighteen hundred and eighty-seven, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before said election. First election of officers.
Notice of.

SEC. 3. Loring P. Wilcox, W. R. Mandigo and A. H. French are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on Saturday next preceding said day of election, at said opera house, and remain in session the same hours required of the board of registration at general elections, and register the names of all persons residing in said village having the qualification of voters at annual township meetings. Due notice of such registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration. Board of registration.
Session.
Notice.

SEC. 4. The said village of Sherwood shall in all things not herein otherwise provided be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto. Governed by general law.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act an election for officers may be held at any time within one year from the time designated in said section two of this act, and notice given as provided by said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties. Election may be held at other than time designated.
Vacancies in board of registration.
Oath of office of board.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 378.]

AN ACT to re-incorporate the village of St. Louis in Gratiot county.

Territory
re-incorpora-
ted.

SECTION 1. *The People of the State of Michigan enact, That all that tract of country situated in the townships of Bethany and Pine River in the county of Gratiot and State of Michigan and described as follows, to-wit: The south one-half of the northwest fractional quarter of section nineteen (19), the southwest fractional quarter of section nineteen (19) and the northwest fractional quarter of section thirty (30) in the township of Bethany, and the northeast quarter of section twenty-five (25), the southeast quarter of section twenty-four (24) and the south one-half of the northeast quarter of section twenty-four (24) in the township of Pine River and county of Gratiot be and the same is hereby made and constituted a village corporate by the name, style and title of "The village of St. Louis."*

Officers to re-
main in office.

SEC. 2. The officers of said village now in office shall continue in office with the powers and duties conferred respectively by this act of re-incorporation, until their successors shall be elected and qualified.

Ordinances to
continue in
force.

SEC. 3. All the ordinances and by-laws of said village of St. Louis that are not in conflict with the general laws relating to the incorporation of villages herein referred to, shall be and remain in full force and effect until repealed by the council of said village.

First election,
time and place
of holding.

SEC. 4. The first election of village officers under the provisions of this act shall be held in the engine house on Saginaw street in said village on the second Monday of March, in the year of our Lord eighteen hundred and eighty-seven, and the polls of such election shall be opened at the time and such election shall be held and conducted in all respects not herein otherwise provided as provided in the general law for the incorporation of villages and hereinafter referred to, and the legal voters of said village shall be registered before voting as provided by law for the registration of voters in incorporated villages. The board of registration shall for the first election be composed of the acting president, clerk and one trustee of such village, to be chosen by the common council of such village.

Manner of
conducting.Board of
registration.Notice of first
election.

SEC. 5. Notice of the first election shall be given by the clerk of said village by posting notices thereof reciting the officers to be chosen in three or more public places in said village at least eight days before such election and by publishing a copy of such notice at least one week before such election in a newspaper published in said village. Such posted notices may be either written or printed.

Governed by
general law.

SEC. 6. The said village of St. Louis is hereby re-incorporated under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts sup-

plementary and amendatory thereto. The said village as re-incorporated shall possess all the rights and property and be subject to all the liabilities and obligations of the village as heretofore incorporated, subject to said general act.

SEC. 7. Act number two hundred and twenty-three of the session laws of eighteen hundred and seventy-three, entitled "An act to re-incorporate the village of St. Louis," approved March twenty-eight, eighteen hundred and seventy-three, and all acts amendatory thereto are hereby repealed. Act repealed.

This act is ordered to take immediate effect.

Approved March 4, 1887.

[No. 379.]

AN ACT to authorize the township of Cumming in the county of Ogemaw, Michigan, to borrow money upon its bonds to pay outstanding township and highway orders and its other lawful obligations and to provide for the payment of said bonds.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Cumming in the county of Ogemaw, Michigan, be and it is hereby authorized and empowered to borrow on the faith and credit of said township the sum of three thousand dollars; five hundred dollars shall be due and payable in five years from the date of said loan, five hundred dollars in six years, five hundred dollars in seven years, five hundred dollars in eight years, five hundred dollars in nine years and five hundred dollars in ten years, at a rate of interest not exceeding seven per cent per annum, payable annually, and to execute the coupon bonds of said township therefor in such form as said board shall determine, said bonds and coupons to be signed by the chairman and clerk of said township board. Authorized to borrow \$3,000.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township, voting at the regular township meeting held in April, eighteen hundred and eighty-seven, shall so determine; and it is hereby made the duty of the township board of said township to give due notice that the question of issuing said bonds will be voted on at said township meeting, by posting in five public places in said township, not less than ten days before said election, written or printed notices which notices shall state the amount of money proposed to be borrowed and the purpose to which it will be applied. When due and payable.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the loan," and ballots against the same shall be in the following words: "Against the loan," and it shall be the duty of the said township board to provide at the polls of such election during the whole time while the same shall be open a Rate of interest.

Bonds, how executed.

Condition upon which money shall be borrowed.

Notice of election.

What to state..

Ballots.

Form of.

How provided..

Election, how conducted.
 Certificates.
 Where filed.

sufficient number of ballots both for and against such proposition printed or written in the form above indicated, and to furnish all electors desiring to vote thereon; the election shall be conducted and the votes canvassed in all respects as in other township elections. Immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against respectively, and not later than the third day following such election said inspectors shall endorse upon said certificate the declaration in writing over their hands of the result of said election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township and a copy thereof shall be by him filed with the clerk of said Ogemaw county.

Money, how expended.
 Duty of supervisor and treasurer.
 Interest and principal, when and by whom paid.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the payment of outstanding township and highway orders of said township of Cumming existing at the date said bonds shall be issued, and the necessary expense incident to the issue of said bonds, and for no other purpose whatever, and in case of the issue of such bonds it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter in addition to any taxes now authorized by law to be assessed and collected in said township an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also an installment of the principal thereof falling due in any such year, and the said interest shall be payable by the said treasurer after the same shall become due on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due on presentation to him of proper bonds.

This act is ordered to take immediate effect.

Approved March 5, 1887.

[No. 380.]

AN ACT to incorporate the village of Port Hope in the county of Huron and State of Michigan.

Territory incorporated.

SECTION 1. *The People of the State of Michigan enact, That the following described territory, to wit: Fractional sections three and four (4), township seventeen (17) north of range fifteen (15) east, being in the township of Rubicon in said county of Huron, be and the same is hereby constituted a village corporate to be known as the village of Port Hope.*

First election.
 Notice of.

SEC. 2. The first election of officers of said village shall be held at the town hall in said village, on the second Monday in April, in the year of our Lord one thousand eight hundred and eighty-seven, due notice of which election shall be given by the board of registration hereinafter appointed by posting notices in three public places in said village ten days before said election.

SEC. 3. John D. Thompson, A. J. Matthewson and George Drury are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on the Saturday next preceding the day of election at the town hall in said village, and remain in session the same hours required of the board of registration at general elections, and register the names of all persons residing in said village and having the qualifications of voters at annual township meetings; due notice of which registration shall be made by said board by posting notices thereof in three public places in said village ten days previous to said meeting for registration.

Board of registration.

Meeting of.

Duties of.

Notice of meeting.

SEC. 4. The said village of Port Hope shall in all things not herein otherwise provided be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and all acts amendatory thereto.

Governed by general law.

SEC. 5. In case said officers are not elected at the time designated in section two of this act, an election for officers may be held at any time within one year from the time designated in said section two, on notice being given as required herein.

Election may be held at other than time designated.

Ordered to take immediate effect.

Approved March 5, 1887.

[No. 381.]

AN ACT to re-incorporate the village of Grandville in the county of Kent.

SECTION 1. *The People of the State of Michigan enact*, That the following described lands and territory, the same lying and being in the township of Wyoming, to wit: All that part of the southeast quarter of the southeast quarter of section number seven, which lies on the southeasterly side of Grand river; the southwest quarter of the southwest quarter of section number eight; the west half of the northwest quarter and the northwest quarter of the southwest quarter of section number seventeen, except a strip of land thirty rods wide off from the south side thereof; all that part of the northeast quarter of section number eighteen which lies on the southeasterly side of Grand river; the north half of the southeast quarter of said section number eighteen, except a strip of land thirty rods wide off from the south side thereof; the east half of the northeast quarter of the southwest quarter of section number eighteen, except a strip of land thirty rods wide off from the south side thereof, and that part of the east half of the east half of the northwest quarter of section number eighteen which lies south of Grand river, all in town number six north of range number twelve west, be and the same is hereby re-incorporated

Territory re-incorporated.

and constituted a body corporate by the name and style of the village of Grandville.

First election. SEC. 2. The first election of officers under the provisions of this act shall be held on the second Monday in March, in the year of our Lord one thousand eight hundred and eighty-seven, at the village hall in said village. The polls shall be opened at eight o'clock in the morning and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed, and the said election shall be held and conducted in all respects as provided for in act number sixty-two of the public acts of the year one thousand eight hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, one thousand eight hundred and seventy-five, and the acts amendatory thereof and supplementary thereto. The village clerk and two of the trustees of said village, to be appointed by the board of trustees, shall be the village board of registration for the present year and shall act as such board in the same manner and the legal voters of said village shall be registered as provided for by said act granting and defining the powers and duties of incorporated villages.

Board of registration. SEC. 3. Notice of the time and place of holding the first election as provided for in the preceding section shall be given by the present village clerk in said village, in the same manner as is provided for the giving of notice of holding elections by the village clerk in said act granting and defining the powers and duties of incorporated villages. If for any reason the said election shall not be held at the time hereinbefore specified, it may be held at any time within one year thereafter by giving the notice hereinbefore provided for.

Notice of first election. SEC. 4. The officers in said village now in office shall continue therein with the same powers and duties as are conferred by said act granting and defining the powers and duties of incorporated villages upon like officers, until their successors shall be elected and qualified pursuant to the provisions of this act.

Election may be held at time other than that specified. SEC. 5. All rights of action which may have accrued to said village as heretofore incorporated, and all property, both real and personal, belonging to the same, shall survive and belong to and may be enforced and disposed of by the village corporation created by this act, and all liabilities of said previously existing village corporation shall be assessed and paid by the village corporation created by this act.

Officers to continue in office. SEC. 6. All existing ordinances and resolutions of said village of Grandville not inconsistent with the provisions of this act shall continue in force until repealed or amended by the village council of said village.

Right of action, etc., to survive. SEC. 7. The said village of Grandville in all things not herein and otherwise provided for shall be governed and its powers and duties defined by the said act number sixty-two of the public acts of one thousand eight hundred and seventy-five and the acts amendatory thereof and supplementary thereto, and all the provisions thereof not inconsistent with the provisions of this act.

Ordinances to continue.

Governed by general law.

shall be deemed supplementary to this act for the government of said village. All acts and parts of acts heretofore passed relating to the incorporation of the village of Grandville, Kent county, are hereby repealed. Acts repealed.

Ordered to take immediate effect.

Approved March 5, 1887.

[No. 382.]

AN ACT to preserve the ballot-boxes from being opened or the ballots destroyed which were used in the city election held in the city of Detroit on the second day of November in the year of our Lord eighteen hundred and eighty-six.

SECTION 1. *The People of the State of Michigan enact*, That the ballot-boxes used in the election held in the city of Detroit on the second day of November in the year of our Lord eighteen hundred and eighty-six, for the election of city officers, shall not be opened nor the seals broken, nor the ballots deposited therein destroyed, until the first day of November in the year of our Lord eighteen hundred and eighty-seven, except the same shall be done by order of the board of aldermen of the city of Detroit or a court of competent jurisdiction, and in proceedings had contesting the election of some person balloted for at said election. Ballot boxes not to be opened, etc.

Ordered to take immediate effect.

Approved March 5, 1887.

[No. 383.]

AN ACT to vacate the township of Duncan in the county of Cheboygan and to incorporate its territory within the township of Benton in said county.

SECTION 1. *The People of the State of Michigan enact*, That the township of Duncan in the county of Cheboygan be and the same is hereby vacated and the organization thereof dissolved and repealed, and the territory included in said township of Duncan be and is hereby attached to and incorporated within the township of Benton in said county of Cheboygan and shall form a part of said township of Benton. Township vacated.
Township attached.

SEC. 2. Said township of Benton is hereby made the legal successor of said township of Duncan hereby vacated, and as such successor shall succeed to all property, real, personal and mixed, and the rights of action belonging to said township of Duncan, and shall assume and pay any and all lawful debts and claims against said township, and the officers of said township of Duncan shall, immediately upon this act taking effect, deposit the records, books, vouchers, papers, money and other property whatsoever belonging to said township of Duncan with the cor- Benton township to succeed to rights, etc.
Duties of officers of Duncan township.

School districts
to be re-num-
bered.

responding officers of Benton township, who are hereby declared to be the successors of the officers of the township of Duncan.

SEC. 3. The board of school inspectors of Benton township shall after this act takes effect re-number the school districts of the township of Duncan as school districts of the township of Benton, at a special meeting of such school inspectors to be held as provided by law.

Ordered to take immediate effect.

Approved March 7, 1887.

[No. 384.]

AN ACT to re-incorporate the city of Adrian.

BOUNDARIES.

Territory re-
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That so much of the former townships of Adrian and Madison in the county of Lenawee as is embraced in the following descriptions, to wit: The south half of section thirty-four, the northeast quarter of section thirty-four, all of section thirty-five and the west half of section thirty-six, in the said township of Adrian, and also the west half of section number one, all of section number two, all of section number three, the north half of the northwest quarter of section number twelve, the north half of the north half of section number eleven and the north half of the northeast quarter of section number ten, in the township of Madison, is hereby set off from the said townships of Adrian and Madison, and constituted a body corporate by the name and style of the city of Adrian, by which name it shall be hereafter known.

Corporate name
and powers.

SEC. 2. The freemen of said city, from time to time, being inhabitants thereof, shall be and continue a body corporate and politic, to be known and distinguished by the corporate name and title of "The city of Adrian," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity and in all other places whatever; and shall have a common seal which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for said city.

WARDS.

Wards.
First ward.

SEC. 3. The said city shall be divided in [into] four wards as follows: All that part of said city embraced in the following described limits shall be the first ward, to-wit: Commencing at the southeast corner of said city and running thence northerly on the east line of the city to the center line of Maumee street; thence west-

erly on the center line of Maumee street to the center line of Main street, thence southerly to the center line of Church street; thence easterly on the center line of Church street to the center of the northerly continuation of State street, thence southerly on the center line of the northerly continuation of State street to the north end of the center line of State street, and thence southerly to the center line of State street and on a line corresponding with the center line of State street to the south line of the city, and thence easterly on the south line of the city to the southeast corner of the city. All that part of said city embraced within the following described limits shall be the second ward, to-wit: Commencing at the northeast corner of the city, running thence southerly on the east line of the city to the center line of Maumee street, thence westerly on the center line of Maumee street to the center line of Main street; thence northerly on the center line of Main street to the north line of the city; thence easterly on the north line of the city to the place of beginning. All that part of the city lying north and west of the following described line shall be and constitute the third ward, to-wit: Beginning on the north line of the city at the northwest corner of the second ward, as the same is above described, and running thence on the center line of Main street southerly to the center line of Maumee street; and thence westerly in the center of Maumee street to the middle of the south branch of the River Raisin; thence southerly and up stream in the middle of the channel of said river to a point east of the east end of the center line of the street called College avenue; thence westerly on the center line of College avenue and on a line corresponding with the center line of College avenue to Madison street; thence southerly on Madison street to Michigan avenue; and thence westerly on Michigan avenue to the west line of the city. All that part of said city lying west and south of the following described line shall constitute the fourth ward of the city, viz: Beginning on the south line of the city at the southwest corner of the said first ward as above described, and running thence northerly on the west line of said first ward to the center of Church street; and thence westerly on the center line of Church street to the center line of Main street; thence northerly on the center line of Main street to the center line of Maumee street; thence westerly on the center line of Maumee street to the middle of said south branch of said River Raisin; thence southerly and up stream in the middle of the channel of said river to a point east of the east end of the center line of College avenue; thence westerly on the center line of College avenue, and on a line corresponding with the said center line of College avenue to Madison street; thence southerly on the center line of Madison street to the center line of Michigan avenue, and thence westerly on the center line of Michigan avenue and on a line corresponding therewith to the west line of the city.

Second ward.

Third ward.

Fourth ward.

Duty of officers
relative to the
division of
wards.

SEC. 4. Whenever the council shall deem it expedient they may, by ordinance enacted by a concurring vote of not less than two-

thirds of the aldermen in office, re-district the city into wards, divide any ward or change the boundaries thereof, establish new wards, and increase the number of wards of the city. The common council shall have power, by ordinance duly passed, to divide any ward which shall have polled more than five hundred votes at the last general election into polling precincts, which precincts shall be as nearly equal as possible in population, and the common council shall have the power to provide for separate re-registration for each polling precinct when any such precinct shall be created; and the registration of electors and all elections shall be conducted in each precinct as nearly as possible as elections are conducted in the several wards, and no voter shall vote at other than the precinct in which he shall reside. The common council shall also provide registration books for any ward that shall be so divided, one for each precinct, and the board of registration shall be as now constituted, but each voter's name shall be registered in the book provided for the precinct in which he resides. The returns of election in precincts shall be made and canvassed in the same manner as in wards, and the word "precinct" in elections shall, to all intents and purposes, be synonymous with the word "ward."

Notice of intention to change boundaries.

SEC. 5. Upon the introduction of such ordinance the council shall require of the city clerk to give notice thereof and of the change proposed thereby in any ward or wards, by publishing such notice in some newspaper published in the city, for three weeks before the council shall proceed to the passage of the ordinance.

Relative to ward boundaries.

SEC. 6. All wards which may be established by the council and all changes in existing wards shall be bounded by streets, alleys, avenues, public grounds, streams of water or corporation lines; and the wards as established or changed shall be composed of adjacent territory and shall be as compact as may be, and in establishing, changing or re-districting the wards, it shall be so done as to give the several wards as nearly an equal number of inhabitants as may be practicable.

When boundaries shall not be changed.
Election in new wards.

SEC. 7. No change in the boundary of any ward shall be made within twenty days next preceding an election therein. No election of aldermen or ward officers shall be held in any newly established ward or in any ward on account of changes in the boundaries thereof previous to the next annual city election; nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward; but any such alderman and other officer shall, during the remainder of his term, continue in office and to represent the ward including the place of his residence at the time of the changes [change] of the boundaries of the ward, unless the office become vacant for some other cause.

First election of aldermen in new wards.

SEC. 8. When by the erection of a new ward two aldermen are to be elected therein at the same time, one of them shall be elected for one year and one for two years, and the terms of each shall be designated on the ballots.

ELECTORS AND REGISTRATION.

SEC. 9. The inhabitants of said city of Adrian having the qualifications of electors under the constitution of the State, and Who deemed electors. no others, shall be electors therein.

SEC. 10. Every elector shall vote in the ward where he shall Where entitled to vote: have resided during the ten days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the ward in which he boards or takes his regular meals.

REGISTRATION.

SEC. 11. The aldermen of each ward shall constitute the board Board of registration. of registration therein, except as in this act otherwise provided. If by reason of a change of boundary of any ward or the formation of a new ward or other cause there shall not be any or a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy or appoint a board of registration for the ward.

SEC. 12. When changes shall be made in any ward or wards Registration in case of change of boundaries. or a new ward shall be formed in whole or in part from the territory of other wards, the boards of registration of the respective wards affected by the change shall meet previous to the time prescribed by law for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward or to the new ward shall be copied into the register of the ward to which the transfer was made and be stricken from the register of the ward from which the elector was transferred by the change.

SEC. 13. When a new ward shall be formed the board of registration Registration. thereof at its session next preceding the next election therein shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days; and notice of the formation of such ward and that a new register of the electors will be made at that session shall be given with the notice required by law to be given of such session of the board.

SEC. 14. The boards of registration in said city, at their sessions Re-registration. previous to the general election in November, in the year one thousand eight hundred and ninety, shall make a re-registration of the qualified electors of their respective wards in books of the form provided by law. The same rules shall be observed in such registration as are provided by law for the registration of electors in cities, and a like re-registration of the electors of each ward shall be made at the session of the board next preceding the general election, in the year one thousand eight hundred and ninety-four and every fourth year thereafter. When New registry to supersede, etc. such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be

Notice. registered in such new register. Notice that such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

OFFICERS.

Elective city officers. SEC. 15. The following city officers, viz: A mayor, city marshal, city clerk, city treasurer, city collector, street commissioner, four justices of the peace shall be elected by the qualified voters of the whole city.

Ward officers. SEC. 16. In each ward a supervisor, two aldermen and a constable shall be elected.

Appointed officers. SEC. 17. The following officers shall be appointed by the council, viz: A city attorney, city surveyor, engineer of fire department. The council may also from time to time provide by ordinance for the appointment of and appoint for such term as may be provided in the ordinance such other officers whose election or appointment is not herein specially provided for, as the council shall deem necessary for the execution of the powers granted by this act, and may remove the same at pleasure. The powers and duties of all such officers shall be prescribed by ordinance.

Time of making appointments. SEC. 18. Appointments to office by the council, except appointments to fill vacancies, shall unless otherwise provided be made on the first Monday of May in each year; but appointments which for any cause shall not be made on that day may be made at any subsequent regular meeting of the council.

Terms of office of certain officers. SEC. 19. The mayor, city marshal, city clerk, city treasurer, city collector, street commissioner, supervisors and constables shall hold their offices for the term of one year from the second Monday in April of the year when elected, and until their successors are qualified and enter upon the duties of their offices. One justice of the peace shall be elected annually for the term of four years from the fourth day of July next after his election.

First election of aldermen in new wards. SEC. 20. At the first election of aldermen in new wards, one alderman shall be elected in each ward for the term of one year and one for the term of two years. The term of each shall be designated on the ballots cast for him. After the first election one alderman shall be elected annually in each year for the term of two years from the second Monday in April in the year when elected and until his successor shall be qualified and enter upon the duties of his office.

Terms of other appointed officers, etc. SEC. 21. All other officers appointed by the mayor or council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first Monday in May next after such appointment and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or by ordinance duly enacted.

When officers to enter upon their duties. SEC. 22. Justices of the peace elected for the full term of four years shall enter upon the duties of their offices upon the fourth day of July next after the election. In all other cases

officers shall enter upon the duties of their offices immediately upon taking the oath of office and giving the security (if any) required for the performance of the duties of the office.

QUALIFICATIONS, OATH, BOND OF OFFICE.

SEC. 23. No person shall be elected or appointed to any office, except as provided in section ninety of this act, unless he be an elector of said city, and if elected or appointed for a ward he must be an elector thereof; and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or any board of officers thereof or to any school district, county, or other municipal corporation of the State. All votes for or any appointments of any such defaulter shall be void.

Who may not hold office.

SEC. 24. Justices of the peace elected in said city shall take and file an oath of office with the county clerk of the county of Lenawee within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State and file the same with the city clerk.

Oath of office of justice of the peace.

Of all other officers.

SEC. 25. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk mentioned in the preceding section the security for the performance of the duties of his office required by law in the case of justices of the peace elected in townships, except that said official bond or security may be executed in presence of and be approved by the mayor; and in case he shall enter upon the execution of his office before having filed his official oath and bond for security and such other bond or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the city clerk such bond or security as may be required by law or by any ordinance or requirement of the council and with such sureties as shall be approved by the council for the due performance of the duties of his office, except that the bond or security of the clerk shall be deposited with the city treasurer.

Bond of justice.

Penalty for neglect to file.

Oath and bond of other officers.

Bond of clerk.

SEC. 26. The council or the mayor or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties and examine them under oath as to their property; such oath may be administered by the mayor, or any alderman or other person authorized to administer oaths. The examination of any such

Sufficiency of sureties.

Examination to be reduced to writing and filed. surety shall be reduced to writing and be signed by him and annexed to and filed with the bond or instrument to which it relates.

Power of council to require new bonds.

SEC. 27. The council may also at any time require an officer, whether elected or appointed, to execute and file with the clerk of the city new official bonds in the same or in such further sums and with new or such further sureties as said council may deem requisite for the interest of the corporation. Any failure to comply with such requirements shall subject the officer to immediate removal by the council.

VACANCIES IN OFFICE.

Resignations.

SEC. 28. Resignation of officers shall be made to the council, subject to their approval and acceptance.

Offices, how vacated.

SEC. 29. If any officer shall cease to be a resident of the city, or, if elected in and for a ward, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated.

When declared vacant.

SEC. 30. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office within the time herein limited therefor the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancies, how filled.

SEC. 31. A vacancy in the office of mayor or of any alderman occurring more than ninety days before an annual city election shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election and all vacancies in the office of justice of the peace shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment by the council within twenty days after the vacancy occurs, or if the vacancy be in an elective office it may be filled by an election or an appointment, in the discretion of the council.

Liability of officers and sureties.

SEC. 32. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Delivery of books, etc.

SEC. 33. Whenever any officer shall resign or be removed from office or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys, and effects in his custody as such officer and in any way appertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State now or hereafter in force and applicable thereto; and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of the State.

Violation, a misdemeanor.

ELECTIONS.

SEC. 34. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate. Annual elections.

SEC. 35. Special elections may be appointed by resolution of the council and be held in and for the city or in and for any ward thereof at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election. Special elec-

SEC. 36. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held a notice signed by the city clerk specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections. Notice of special election.

SEC. 37. Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the city clerk at least eight days before such election, by posting such notices in three public places in each ward in which the election is to be held, and by publishing a copy thereof in a newspaper published in the city the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election. Time and manner of giving notice.

SEC. 38. The council shall provide and cause to be kept by the city clerk for use at all elections suitable ballot-boxes of the kind required by law to be kept and used in townships. Ballot boxes.

SEC. 39. On the day of elections held by the virtue of this act the polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls. Opening and closing of polls.

SEC. 40. The supervisor and two aldermen of each ward shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards, or by a change in the boundaries of existing wards, or by the division of a ward into election precincts or for any reason, there shall not be a sufficient number of the officers last named in any ward to make a board of three inspectors, it shall be the duty of the council to appoint a sufficient number of inspectors who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present or remain in attendance the electors present may choose *viva voce* such number of such electors as with the inspector or Inspectors of election.

inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors at that election.

Chairman and clerks of board. SEC. 41. The inspectors shall choose one of their number chairman of of the board, and the others shall be clerks of election, or when necessary, the board may appoint two other persons to be clerks of election, and the persons so appointed and each person chosen or appointed as inspector of election shall take the constitutional oath of office, which oath either of the inspectors may administer.

Oath of office. SEC. 42. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county and district elections in their respective wards.

Duties of inspectors. SEC. 43. All elections held under the provisions of this act, shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided, and the inspectors of such elections shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law upon inspectors of general elections held in this State.

Manner of conducting elections. SEC. 44. The electors shall vote by ballot, and the same ballot shall contain the names of persons designated as officers for the city and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon shall be separate and be deposited in a separate box.

Ballots. SEC. 45. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of the office, the term for which any person is voted to fill the same shall be designated on the ballot.

Ballots for vacancies. SEC. 46. It shall be the duty of the inspectors on receiving the vote as specified in the last two sections to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written the name of each elector voting at such elections in two poll lists to be kept by said inspectors of elections or under their direction ; and such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.

Depositing ballots. SEC. 47. Immediately after closing the polls the inspectors of election shall without adjourning publicly canvass the votes received by them and declare the result, and shall, on the same day or on the next day, make a statement in writing setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of the votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of election or on the next day, together with said

Poll lists.
Canvass by inspectors.
Statement and certificate.
Deposit of statement, etc.

poll-list and the register of electors, and the boxes containing said ballots, in the office of the city clerk.

SEC. 48. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections. Canvass, manner of conducting.

SEC. 49. The council shall convene on Thursday next succeeding such [each] election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the city clerk shall make duplicate certificates, under the corporate seal of the city, of such determination showing the result of the election upon any question or proposition voted upon and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk of the county of Lenawee and the other shall be filed in the office of the city clerk. Council to determine result. Certificates.

SEC. 50. The person receiving the greatest number of votes for any office in the city or ward shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office. In case of tie.

SEC. 51. It shall be the duty of the city clerk within five days after the meeting and determination of the council, as provided in section forty-nine, to notify each person elected, in writing, of his election; and he shall also, within five days after the council shall appoint any person to any office, in like manner notify such person of such appointment. Notice to persons elected.

SEC. 52. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed the city clerk shall report in writing to the council the names of the persons elected or appointed to any office who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office. Neglect to file oath, etc.

DUTIES AND COMPENSATION OF OFFICERS.—THE MAYOR.

SEC. 53. The mayor shall be the chief executive officer of [the] city. He shall preside at the meetings of the council and shall from time to time give the council information concerning the affairs of the corporation and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the council are enforced. Duties of mayor.

SEC. 54. The mayor shall be a conservator of the peace and

Conservator of the peace. may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the council and to suppress riot and disorderly conduct.

Power to remove, etc. SEC. 55. The mayor may remove any officer appointed by him at any time and may suspend any policeman for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé or officer of the corporation and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

President pro tem. SEC. 56. In the absence or disability of the mayor or of any vacancy in his office the president *pro tempore* of the council shall perform the duties of the mayor.

ALDERMEN.

Aldermen, powers and duties of. SEC. 57. The aldermen of the city shall be members of the council and attend the meetings thereof and act upon committees when thereunto appointed by the mayor or council. As conservators of peace they shall aid in maintaining quiet and good order in the city and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman, nor appointed to any other city office within one year thereafter.

Not to hold other office.

CITY CLERK.

Duties of city clerk. SEC. 58. The city clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the council, shall attend its meetings, record all its proceedings, ordinances and resolutions, and shall countersign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations.

Duties of clerk relative to claims against city. SEC. 59. The city clerk shall be the general accountant of the city and all claims against the corporation shall be filed with him for adjustment; after examination thereof he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made and to take proper receipts therefor, but no warrant shall be drawn upon any fund after the

same has been exhausted. When any tax or money shall be levied, raised, or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amount [amounts] thereof to be credited to each fund.

SEC. 60. The city clerk shall exercise a general supervision Further duties. over all officers charged in any manner with the receipt, collection and disbursement of the city revenues, and over all the property and assets of the city; he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation; he shall countersign and register all bonds issued and keep a list of all property and effects belonging to the city and of all its debts and liabilities; he shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city and credit him with all the warrants drawn thereon, keeping a separate account with each fund. When any fund has been exhausted the clerk shall immediately advise the council thereof.

SEC. 61. The city clerk shall report to the council whenever Financial report, etc. required a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

CITY TREASURER.

SEC. 62. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes and evidences of value belonging to the city; he shall receive all moneys belonging to and receivable by the corporation and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury except in pursuance of and by authority of law and upon warrants signed by the clerk and countersigned by the mayor which shall specify the purpose for which the amounts thereof are to be paid; he shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued and having the name of such fund indorsed thereon by the clerk. Duties of city treasurer.

SEC. 63. The treasurer shall render to the clerk on the first Monthly report. Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report; he shall also

Annual report. exhibit to the council annually on the third Monday in March and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made and the balances remaining in each fund, which account shall be filed in the office of the clerk and shall be published in one or more of the newspapers of the city.

Treasurer's receipts. SEC. 64. Said treasurer shall take receipts for all moneys paid from the treasury showing the amount and fund from which payment was made and the voucher or warrant upon which it was paid and file the same with the clerk with his monthly report.

Custodian of school funds. SEC. 65. The city treasurer shall be the treasurer of the school district designated as the "Public schools of the city of Adrian" and shall have the custody of the funds belonging to and receivable by such district from all sources for school, library and school-house purposes; he shall receive from the county treasurer for the use of such district all school and library moneys coming to his hands to which the district shall be entitled, and for that purpose such school district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said city treasurer shall keep an account of all the school and library moneys of the district in such manner as the board of education may require and account therefor to said board whenever they shall direct; he shall pay out no moneys of the district except upon such warrants or vouchers as the board of education shall prescribe. Before entering upon the duties of his office, either as city treasurer or as treasurer of the public schools, the said city treasurer shall give bond to the public schools of the city in such sum and with such sureties as the board of education shall direct, for the due performance of the duties of his office as treasurer of such district, and shall renew such bond from time to time with further sureties as said board may require.

Not to use public moneys for private purposes. SEC. 66. The city treasurer shall keep all moneys in his hands belonging to the city and to the public schools separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

CITY MARSHAL.

Powers and duties of marshal. SEC. 67. The city marshal shall be the chief of the police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all the ordinances and

regulations of the council made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed and delivered to him in all proceedings for violations of the ordinances of this city. Such process may be served anywhere within the State.

SEC. 68. He shall suppress all riots, disturbances and breaches of peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation and pursue and arrest any persons fleeing from justice in any part of the State. He shall arrest upon view, and with or without process any person found in the act of committing any offense against the laws of the State or the ordinances of the city and forthwith take such persons before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets until they shall become sober.

SEC. 69. The marshal shall report in writing and on oath to the council at their first meeting in each month all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the city, the amount of all fines and fees collected by him for said city. All moneys collected or received by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received and the treasurer's receipt therefor shall be filed with the city clerk.

Idem.
Monthly report.

Payment of moneys received.

SEC. 70. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services; but in no case shall such fees be charged to or be paid by the city.

Fees.

CITY ATTORNEY.

SEC. 71. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, attend all meetings of the council, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of the city.

Advisor and solicitor.

CITY SURVEYOR.

SEC. 72. The city surveyor and his deputy shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats and those of his deputy as are given by law to the acts and surveys of county surveyors. He or his deputy shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications

Powers and duties.

required by the council or officers of the city relating to the public improvements, buildings, grounds and streets of the city.

STREET COMMISSIONER.

Powers and duties.

SEC. 73. It shall be the duty of the street commissioner to perform or cause to be performed all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the council.

Monthly report.

SEC. 74. He shall make a report to the council in writing and on oath once in each month, giving an exact statement of all labor performed by him or under his supervision and the charges therefor, the amount of material used and the expense thereof, and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report; and no payment for labor or services performed or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.

Powers and authority.

SEC. 75. The constables of the city shall have the like powers and authority in matters of civil and criminal nature and in relation to the service of all manner of criminal process as are conferred by law upon constables in townships and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

Duties.

SEC. 76. The constables of the city shall obey all lawful orders of the mayor, aldermen, and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city; and shall discharge all duties required of them by any ordinance, resolution or regulation of the council; and for any neglect or refusal to perform any duty required of him every constable shall be subject to a

Penalty for neglect.

penalty of not less than five nor more than fifty dollars. Every constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as is required of constables in townships or as may be required by the council, and file the same with the city clerk.

Securities, etc.

CITY COLLECTOR.

Duties.

SEC. 77. The city collector shall be the collector of State and county taxes within the city, and all other taxes and assessments levied within the city; he shall perform all such duties in relation to the collection of taxes as the council may prescribe.

SUPERVISORS.

SEC. 78. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying taxes for all purposes in their respective wards as are imposed by law upon supervisors elected in townships; and they shall have the like powers and perform the like duties in all other respects as supervisors so elected except as herein otherwise provided, so far as such powers and duties are required to be exercised and performed in their wards; they shall represent their several wards in the board of supervisors of the county of Lenawee and shall have all the rights, privileges and powers of the several members of such board of supervisors. Powers and duties.

SEC. 79. The supervisors and aldermen of the several wards shall select and return lists of grand and petit jurors to the clerk of the county, in the same manner and within the same time as the like duty is required to be performed by township officers. Jury lists.

JUSTICES OF THE PEACE.

SEC. 80. The justices of the peace elected in said city of Adrian shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State. They shall have authority to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violations of this act and for encroachment upon and injuries to any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court. They shall have authority to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed, subject only to the limitations prescribed in section one hundred and thirty-seven of this act. Powers and duties.

SEC. 81. The proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them shall, except as otherwise provided in this act, be according to and be governed by the general laws applicable to courts of justices of the peace and to the proceedings before such officers. Proceedings, etc., under general law.

SEC. 82. Every justice of the peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys and costs received by him on account of Docket.

any such suit or proceeding. Such docket shall be submitted by the justice at all times to the examination of any person desiring to examine the same, and shall be produced by the justice to the council whenever required.

To pay over
moneys month-
ly.

SEC. 83. All fines, penalties and forfeitures collected or received by any justice of the peace for or on account of the violation of the penal laws of the State, and all fines, penalties, forfeitures and moneys collected or received by such justice for or on account of violations of any ordinances of the city shall be paid over by such justice to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof; and the justice shall take the receipt of the city treasurer therefor and file the same with the city clerk.

Monthly report.

SEC. 84. Every such justice shall report on oath to the council at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced or judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section and the amount of all moneys received by him on account thereof or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last report.

Fines and ex-
penses.

SEC. 85. All fines recovered for the violations of the penal laws of the State, when collected and paid into the city treasury, shall be disposed of as provided by law. The expenses of prosecutions before justices of the peace of the city for violations of said criminal laws and in punishing the offenders shall be paid by the county of Lenawee.

Bond to the
city.

SEC. 86. Each justice of the peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city in a penalty of one thousand dollars with sufficient sureties to be approved by the mayor, which approval shall be endorsed upon the bond conditioned for the faithful performance of the duties of justice of the peace within and for the city.

Penalty for mis-
conduct, etc.

SEC. 87. Any justice of the peace who shall be guilty of misconduct in office or who shall neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, and to make the monthly report called for by section eighty-four of this act or to pay over moneys as required by section eighty-three of this act, shall be deemed guilty of a misdemeanor and punished accordingly, and may be suspended from office by the council during its pleasure.

To account for
certain prop-
erty.

SEC. 88. Every justice of the peace of the city shall account on oath to the council at their first meeting in each month for all such moneys, goods, wares, and property seized as stolen property as shall then remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

Additional
duties, etc., of
officers.

SEC. 89. In addition to the rights, powers, duties, and liabilities of officers prescribed in this act, all officers whether elected

or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient and prescribe by ordinance or resolution.

SEC. 90. The city clerk, city collector and city surveyor may each with the approval of the common council, appoint a deputy, and revoke such appointment at pleasure, which appointment and revocation shall be in writing under his hand and shall be filed in the office of the city clerk; and each of said deputies may perform all the duties of each of the above named offices. Said deputies may or may not be electors of said city.

Certain officers
may appoint
deputies.

COMPENSATION OF OFFICERS.

SEC. 91. The mayor and aldermen may each receive such salary, not exceeding fifty dollars per year, as may be prescribed by the council. All other officers of said corporation shall receive such compensation for their services as the common council shall prescribe, except where the same is fixed by this act or is or shall be prescribed by other statutes of this State: *Provided*, That the city marshal shall not receive more than eight hundred dollars, and such salary shall be in full for all services rendered by him in the performance of any of the duties of his office in any one year. Said city marshal shall not, during his term of office as marshal, hold the office of constable, or be appointed to any other office under the charter or ordinances of said city. The city clerk shall not receive more than the sum of one thousand dollars for his services in any one year, which shall be in full for all services performed by him in the discharge of the duties of his office and in full for the services of any deputy, all clerk hire, or other assistance required in the performance of the duties of his office. The city collector shall not receive more than the sum of three hundred dollars for his services for any one year, which shall be in full for all services performed by him in the discharge of the duties of his office and in full for the services of any deputy or clerk hire. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls and as members of the board of review shall not exceed the sum of one hundred and fifty dollars each, as may be determined by resolution of the common council of said city for each official year. For all services performed for and to be paid for by the county they shall receive the same fees as supervisors of townships.

Compensation,
etc.

Proviso.

SEC. 92. The salary or rate of compensation for any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the time for which he was elected or appointed when, during the same time, the salary or rate of compensation has been increased.

No change
during term of
office.

CITY COUNCIL.

- Legislative authority, etc.** SEC. 93. The legislative authority of the said city of Adrian shall be vested in a council consisting of the mayor, two aldermen elected from each ward, and the city clerk.
- President.** SEC. 94. The mayor shall be president of the council, and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.
- President pro tem.** SEC. 95. On the first Monday in May in each year the council shall appoint one of their number president *pro tempore* of the council who, in the absence of the mayor, shall preside at the meetings thereof and exercise the powers and duties of president. He shall have a vote upon all questions. In the absence of the mayor and president *pro tem.* the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and the duties of the president *pro tem.*
- Clerk of council.** SEC. 96. The city clerk shall be the clerk of the council, but shall have no vote therein. He shall keep a full record of all the proceedings of the council and perform such other duties relating to his office as the council may direct. In the absence of the clerk the council shall appoint one of their number to perform the duties of his office for the time being.
- Requirements of aldermen.** SEC. 97. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof and to serve upon committees whenever appointed thereon.
- Judge of elections, etc.** SEC. 98. The council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe, not less than one of which shall be held in each month. The mayor or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each alderman or be left at his place of residence at least two hours before the meeting.
- Meetings.**
- Meetings, public. Quorum.** SEC. 99. All meetings and sessions of the council shall be in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by the vote of a majority of all the aldermen elected to office except as herein otherwise provided.
- When two-thirds vote required.**

SEC. 100. The council shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes of appointment to office and measures incurring expense shall be taken by yeas and nays and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative; and within one week after any meeting of the council all the proceedings and votes taken thereat shall be published in one or more of the newspapers of the city.

Manner of conducting business.

Proceedings to be published.

SEC. 101. The council may compel the attendance of its members and other officers of the city at its meetings in such manner and may enforce such fines for non-attendance as may by ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

Power over officers.

SEC. 102. The city attorney, city marshal, street commissioner, city surveyor and engineer of the fire department shall have seats in the council and may take part in all proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Certain officers entitled to seats, etc.

SEC. 103. The council shall have control of the finances and of all the property, real and personal, of the city corporation, except as may be otherwise provided by law.

Control of property, etc.

SEC. 104. Whenever by this act or any other provisions of law any power or authority is vested in or duty imposed upon the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority and to regulate the performance of such duty.

May enact ordinances.

SEC. 105. The council may provide for the appointment of standing committees of its members who shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Standing committees.

SEC. 106. The council shall cause all the records of the corporation and of all proceedings of the council and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere) to be deposited and kept in the office of the city clerk and to be so arranged, filed and kept as to be convenient of access and inspection, and all such records, books and papers shall be subject to inspection by any inhabitant of the city or other person interested therein at all reasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter, or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the

Records, etc., where deposited.

Penalty for secreting, etc.

contents or true meaning or import of any thereof from being known shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Extra compensation prohibited.

SEC. 107. No member of the council or alderman shall receive any compensation for his services either as councilman, alderman, committeeman or otherwise except as herein provided.

Interest in contracts prohibited.

SEC. 108. No member of the council or any officers of the corporation shall be interested, directly or indirectly, in the profits of any contract, job, work or services (other than official services to be performed for the corporation). Any member of the council or officer of the city of Adrian offending against the provisions of this section shall, upon conviction thereof, be fined not less than five hundred dollars nor more than one thousand dollars, or be imprisoned in the county jail not less than one nor more than six months, or both, in the discretion of the court, and shall forfeit his office.

Removal from office.

SEC. 109. Any person appointed to office by the council by authority of this act may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman or remove from office any person elected thereto by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same, and no removal of an elective officer shall be made unless a charge in writing is preferred and an opportunity given to make a defense thereto.

Charges against officers, investigation of.

SEC. 110. To enable the council to investigate charges against any officer or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city is empowered at the request of the council to issue subpoenas or process by warrant to compel the attendance of persons and the production of books and papers before the council or any committee thereof.

Powers to compel attendance, etc.

SEC. 111. Whenever the council or any committee of the members thereof are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being shall have power to administer the necessary oaths, and such council or committee shall have the same power to compel the witnesses to testify as is conferred on courts of justices of the peace.

Auditing accounts, claims, etc.

SEC. 112. The council shall audit and allow all accounts chargeable against the city, but no account or claim or contract shall be received for audit or allowance unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city; that the sums charged[therefor]are reasonable and just, and that to the best of his knowledge and belief no set-off exists nor payment has been made on account thereof, except such as are indorsed or referred

to in such account or claim. And every such account shall exhibit in detail all the items making up the amount claimed, and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

ORDINANCES.

SEC. 113. The style of all ordinances shall be: "The city of Adrian ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein; such time when the ordinance imposes a penalty shall not be less than five days from the day of its passage.

SEC. 114. When by the provision of this act the council of any city has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months, or both, in the discretion of the court, together with the costs of the prosecution for each violation of any of said ordinances; and may provide that the offender on failing to pay any such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or in the county jail of the county of Lenawee, or in such other prison or place of confinement in the State as the council may prescribe; and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinances shall be prescribed therein.

SEC. 115. On the same day or on the next day after a passage of any ordinance, the clerk of the council shall present the same to the mayor or other person performing the duties of mayor for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the clerk of the council with his objections thereto within three days after its presentation to him, in which case it shall be deemed regularly enacted. If after the return of the ordinance with the objections thereto as aforesaid the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted and the time of its re-enactment shall be deemed to be the time of its passage.

SEC. 116. At the time of presenting any ordinance to the mayor for his approval, the clerk of the council shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented; and shall

Style, concurrence.

Time of taking effect.

Fines and penalties.

Ordinances to be presented to mayor.

When to be of force, etc.

Clerk to certify and report.

also certify thereon and in such journal or record the time of the return of such ordinance and whether approved or with objections, and shall at the next meeting of the council report any ordinance returned with the objections thereto.

Revival and
enactment of
ordinances.

SEC. 117. No ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section of an ordinance is amended the whole section as amended shall be re-enacted.

Record of
ordinances.

SEC. 118. All ordinances, when approved by the mayor or when regularly enacted, shall be immediately recorded by the clerk of the council in a book to be called "The Record of Ordinances;" and it shall be the duty of the mayor and clerk to authenticate the same by their official signatures upon such record.

Publication of
ordinances.

SEC. 119. Within one week after the passage of any ordinance the same shall be published in one or more newspapers printed and circulated within the city, and the clerk shall, immediately after such publication, enter on the record of ordinances in a blank space to be left for such purpose under the recorded ordinance, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially; and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Certificate of.

Proof of ordi-
nances, etc., in
court.

SEC. 120. In all courts having authority to hear, try or determine any matter or cause arising under the ordinance of said city and in all proceedings in said city relating to or arising under the ordinances or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city. And whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city or any resolution adopted by the council thereof the same may be read in all courts of justice and in all proceedings: *First*, From a record thereof kept by the city clerk; *Second*, From a copy thereof or of such record thereof certified by the city clerk under the seal of the city; *Third*, From any volume of ordinances purporting to have been written or printed by authority of the council.

ENFORCEMENT OF ORDINANCES.

Time and place
for commence-
ment of prose-
cution.

SEC. 121. Prosecutions for violations of the ordinances of said city shall be commenced within two years after the commission of the offense and be brought within the said city or in the said county of Lenawee.

Recovery of
penalties, etc.

SEC. 122. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt or in assumpsit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover or other appropriate action; and whenever a corporation shall

incur a penalty or forfeiture for the violation of any ordinance the same shall be sued for in one of the actions aforesaid.

SEC. 123. Such action shall be brought in the name of the city, and shall be commenced by summons. The form, time of return and service thereof the pleadings and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same as nearly as may be as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant execution shall issue forthwith, and except when against a corporation shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment nor shall costs be allowed to the defendant in any such action. Idem.

SEC. 124. Prosecutions for violations of the ordinances of the city may also, in all cases except against corporations, be commenced by warrant for the arrest of the offender. Suits, how commenced.

SEC. 125. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of and be substantially of the form and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace; and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and in the rendition of judgment and the execution thereof shall, except as otherwise provided by this act, be governed by and conform as nearly as may be to the provisions of law regulating the proceedings in criminal causes cognizable by justices of the peace. Form of warrant.
Proceedings.

SEC. 126. If the accused shall be convicted the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order. Rendition of judgment.

SEC. 127. Every such judgment shall be executed by virtue of an execution or warrant specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section one hundred and twenty-three shall issue forthwith. If judgment be for both fine and imprisonment a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or Execution of judgment.

where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Entitled to use
of county jail.

SEC. 128. Said city shall be allowed the use of the jail of the county of Lenawee for the confinement of all persons liable to imprisonment under the ordinances thereof or under any of the provisions of this act, and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail or in the city prison or other places of confinement provided by the city or authorized by the ordinances of the city, and the sheriff or other keeper of such jail or other places of confinement or imprisonment shall receive and safely keep any person committed thereto as aforesaid until lawfully discharged.

Process, to
whom directed,
etc.

SEC. 129. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the city marshal or to any constable of the city or county, and may be executed in any part of the State by said officers or any other officer authorized by law to serve process by justices of the peace.

Not necessary
to set forth or-
dinances, etc.

SEC. 130. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof in any complaint, warrant, process or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting its title. And it shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially and with reasonable certainty as to the time and place the act or offense complained of and to allege the same to be in violation of an ordinance of the city, referring thereto by its title, and every court and magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city and the resolutions of the council and of the authority of the city to enact the same.

Statement of
cause of action,
etc.

Jury.

SEC. 131. In all prosecutions for violations of the ordinances of the city either party may require a trial by jury. Such jury except where other provision is made shall consist of six persons, and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace and in suits commenced by summons as in civil cases triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Appeal to
circuit court.

SEC. 132. Any party convicted of violation of any ordinance of the city in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Lenawee by appeals or writ of *certiorari*, and the proceedings therefor and the bond of security to be given thereon and the proceedings and dispositions of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal

Bond, proceed-
ings, etc.

cases cognizable by justices of the peace, and in suits to which the city shall be a party brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment or remove the proceedings by *certiorari* into the circuit court and the like proceedings shall be had therefor and thereon and the like bond or surety shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari* shall also take judicial notice of the ordinances of the city and the resolutions of the council and of the provisions thereof.

SEC. 133. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was held. If any fines shall be collected upon execution the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison who shall within thirty days thereafter pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty or any part thereof shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of the same, and take the treasurer's receipt for and file the same with the city clerk.

Fines, by whom received.

Duty of court relative to, etc.

SEC. 134. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Neglect to pay over fines.

A misdemeanor.

SEC. 135. Fines paid into the city treasury for violations of ordinances of the city shall be credited to the police fund. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Fines, where credited.

Expenses, how paid.

SEC. 136. The circuit court of the county of Lenawee shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof when the fine or forfeiture imposed shall exceed two hundred dollars, or where the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases, shall be the same as in prosecutions to recover penalties and forfeitures and to punish violations of the criminal laws of the State; and the general laws of the State regulating prosecutions in criminal cases and to recover penalties shall apply.

Jurisdiction of circuit court, etc.

SEC. 137. The justices of the peace of the city shall have con-

Jurisdiction of justices, etc.	current jurisdiction in all cases mentioned in the preceding section; but they shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall they sentence to imprisonment for a longer period than ninety days.
Security for costs may be required.	SEC. 138. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the city, before process shall issue, the court shall require the prosecutor to file security for the payment of the costs of the proceedings in case the defendant is acquitted, unless the approval of the city attorney is endorsed in writing on the complaint thereof.
Exception.	

GENERAL POWERS.

Power and authority relative to vice, etc.	SEC. 139. The said city of Adrian shall, in addition to such other powers as are herein conferred, have the general powers and authority in sections one hundred and thirty-nine, one hundred and forty, one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four, one hundred and forty-five, one hundred and forty-six and one hundred and forty-seven mentioned, and the council may pass such ordinances in relation thereto and for the exercise of the same as they may deem proper, viz:
	<i>First</i> , To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riots, to preserve peace and good order, and to protect the property of the corporation and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto or for unlawful interference therewith.
Vagrants, etc.	<i>Second</i> , To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;
Nuisances, etc.	<i>Third</i> , To prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them or neglecting or refusing to abate discontinue or remove the same, and generally to determine and declare what shall be deemed nuisances.
Disorderly houses, etc.	<i>Fourth</i> , To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play at games of chance and to punish the keepers thereof;
Billiard tables, etc.	<i>Fifth</i> , To regulate, license or prohibit and suppress billiard tables, nine or ten pin alleys or tables and ball alleys, and to punish the keepers thereof;
Gaming, etc.	<i>Sixth</i> , To prohibit and suppress every species of gaming and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;
Ale houses.	<i>Seventh</i> , To regulate, prohibit and suppress ale, beer and porter houses and all places of resort for tippling and intemperance and to punish the keepers thereof and all persons assisting in

carrying on the business thereof; and to require all such places to be closed on the Sabbath day and upon such other days and during such hours of every night as the council shall prescribe;

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing; Selling liquors to minors, etc.

Ninth, To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name or nature for which money or other reward is in any manner demanded or received; lectures on historic, literary or scientific subjects excepted; Shows, etc.

Tenth, To prevent and punish violations of the Sabbath day and the disturbance of any religious meeting, congregation or society or other public meetings assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Violation of Sabbath.

Eleventh, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property or anything at auction, or by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales or Dutch auctions and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sales required by law to be made at auction or public vendue; Auctions.

Twelfth, To license hawkers, peddlers and pawn-brokers and hawking and peddling and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose or from any stand, cart, vehicle or other device in the streets, highways or in or upon open places or spaces, public grounds or buildings in the city; Peddlers, etc.

Thirteenth, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses; Taverns, etc.

Fourteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city; Vehicles, etc.

Fifteenth, To regulate and license all toll bridges within the city and to prescribe the rates and charges for passage over the same; Toll-bridges.

Sixteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions; Provisions, etc.

Seventeenth, To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise; Weighing and measuring.

Weights and measures.	<i>Eighteenth</i> , To provide for the inspection and sealing of weights and measures;
Idem.	<i>Nineteenth</i> , To enforce the keeping and use of proper weights and measures by vendors;
Vaults, cisterns, etc.	<i>Twentieth</i> , To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
Obscenity.	<i>Twenty-first</i> , To prohibit and prevent in the streets or elsewhere in the said city indecent exposure of the person, the show, sale or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings or books or pamphlets and all indecent or obscene exhibitions and shows of every kind;
Bathing.	<i>Twenty-second</i> , To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;
Purity of waters.	<i>Twenty-third</i> , To provide for clearing the rivers, ponds and streams of the city and the races connected therewith of all driftwood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;
Offensive places, etc.	<i>Twenty-fourth</i> , To compel the owner or occupant of any grocery, tallow-chandler shop, soap or candle factory, butcher shop or stall, slaughter house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;
Explosives and combustibles.	<i>Twenty-fifth</i> , To regulate the keeping, selling and using of gunpowder, firecrackers and fire-works and other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;
Cellars, drains, etc.	<i>Twenty-sixth</i> , To direct and regulate the construction of cellars, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, re-lay or repair the same, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, drain, sink or privy thereon;
Mock auctions.	<i>Twenty-seventh</i> , To prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the management or practice thereof;
Lotteries.	<i>Twenty-eighth</i> , To prohibit and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same or aiding in the maintenance, directing or managing the same;
Hackmen, runners, etc.	<i>Twenty-ninth</i> , To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and

employed for hire, and to fix and regulate the amounts and rates of their compensation;

Thirtieth, To provide for the protection and care of paupers Paupers. and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city and to punish therefor;

Thirty-first, To provide for taking a census of the inhabitants Census, etc. of the city whenever the council shall see fit, and to direct and regulate the same;

Thirty-second, And further, the council shall have authority Ordinances. to enact all ordinances and to make all such regulations, consistent with the laws and constitution of the State, as they may deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons or to any corporation for any purpose whatever.

SEC. 140. The council may prescribe the terms and conditions Licenses, granting of. upon which licenses may be granted and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, if the council directs Bond. before the issuing thereof, execute a bond to the corporation in such sum as the council may prescribe, with one or more sufficient sureties conditioned for a faithful observance of the charter of the corporation and the ordinances of the council and otherwise conditioned as the council may prescribe. Every license License revokable. shall be revokable by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 141. No license shall be granted for any term beyond the Terms. first Monday in May next thereafter nor shall any license be transferable. And the council may provide for punishment by Punishment for non-compliance. fine or imprisonment or both of any person, who without license, shall exercise any occupation or trade or do anything for or in respect to which any license shall be required by any ordinance or regulation of the council.

SEC. 142. All sums received for licenses granted for any purpose by the city or under its authority shall be paid into the city Money credited, to what fund. treasury to the credit of the contingent fund.

SEC. 143. The council of said city shall have authority to permit any railroad company or street railway company to lay its track and operate its road with steam locomotives or other motive power in or across the public streets, highways or alleys of the city as the council may deem expedient, upon such terms and conditions and subject to such regulations to be observed by the company as the council may prescribe; and to prohibit the laying Regulations relative to railroads, etc.

of such track or the operating of any such road except upon such terms and conditions.

Idem.

SEC. 144. The council shall have power to provide for and change the location and grade of street crossings of any such railroad track, and to compel any railroad company or street railway company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time; and to construct street crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep them in repair; also, to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city, but such speed shall not be required to be less than four miles per hour; and to impose a fine of not less than five nor more than fifty dollars upon the company and upon any engineer or conductor violating any ordinance regulating the speed of trains.

Idem.

SEC. 145. The council shall have power to require and compel any railroad company and any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly and in such manner as the council shall direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement, according to the directions of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company in a civil action before any court having jurisdiction of the cause.

Partition fences.

SEC. 146. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, inclosures and parcels of land in said city, and relative to the assigning to the owners or occupants of such adjoining pieces of land the portion of such partition fences to be maintained by them respectively, and may provide for the recording of such assignments and divisions when made, and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence-viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city.

Fence viewers.

Support of poor.

SEC. 147. The council of said city, may make such provision as they shall deem expedient for the support and relief of poor persons residing in the city, and for that purpose may provide by ordinance for the election or appointment of an overseer of the

poor for the city, and may prescribe his duties and vest him with authority as may be proper for the due exercise of his duties.

POLICE.

SEC. 148. The council of said city may provide by ordinance for a police force and for the appointment by the mayor, by and with the consent of the council, of such number of policemen and nightwatchmen as they may deem necessary for the good government of the city and for the protection of the persons and property of the inhabitants; and may authorize the mayor to appoint special policemen from time to time when in his judgment the emergency or necessity may so require; and may provide for and appoint subordinate officers for the police and night-watchmen.

Provision for
appointment of.

SEC. 149. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

Rules for gov-
ernment.

Temporary
police.

SEC. 150. The city marshal, subject to the direction of the mayor shall, as chief of police, have the superintendence and direction of the policemen and night-watchmen, subject to such regulations as may be prescribed by the council.

Marshal as
chief of police.

SEC. 151. It shall be the duty of the police and night-watchmen and officers of the force, under the direction of the mayor and chief of police and in conformity with the ordinances of the city to suppress all riots, disturbances and breaches of the peace, and to pursue and arrest any person fleeing from justice in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State or the ordinances of the city and to take the offender forthwith before the proper court or magistrate to be dealt with for the offense; to make complaints to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances, and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed to them for service, and for such purposes the chief of police and every policeman and night-watchman shall have all the powers of constables and may arrest upon view and without process any person in the act of violating any ordi-

Powers and
duties of police.

nance of the city, or of committing any crime against the laws of the State. The chief of police may serve and execute all process in suits and proceedings for violations of the ordinances of the city and also any other process which by law a constable may serve.

Suspensions and removals.

SEC. 152. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct or other sufficient cause and the council may remove from office any policeman appointed thereto at any time.

CITY PRISON.

Power to provide, etc.

SEC. 153. The council of said city shall have power to provide and maintain a city prison and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city and for the employment of those imprisoned therein.

Prisoners kept at hard labor.

SEC. 154. All persons sentenced to confinement in the city prison and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of their imprisonment either within or without the prison, under such regulations as the council may prescribe.

PUBLIC HEALTH.

Protection of, etc.

SEC. 155. The council of said city may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof and to prevent the introduction of malignant, infectious or contagious diseases within the city or within one mile thereof, and for the removal of persons having such diseases or who from exposure thereto or otherwise may be suspected or believed to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the council may prescribe or the public safety may require.

Nuisances dangerous to.

SEC. 156. The council shall have power to prevent and remove or abate all nuisances dangerous to life and health within the city, and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such time and in such manner as the council may by ordinance or resolution direct.

Cellars and vaults dangerous to.

SEC. 157. If any cellar, vault, lot, sewer, drain, place or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce unwholesome or offensive exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified, or may require the owner or occupant or person in charge of such

lot, premises or place to perform such duty, and may require the owner or occupant of any building, fence or structure which may be ruinous or liable to fall or injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the proper officers of the city.

Dangerous structures.

SEC. 158. If any person, corporation or company shall neglect to remove or abate any nuisance or to perform any requirement made by or in accordance with any ordinance or resolution of the council or by the board of health of the city for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises or for removing any unsafe building or structure or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same or such part thereof as they shall deem proper upon the lot or premises upon or on account of which such expense was incurred or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

Expense of removals, etc., how recovered, etc.

SEC. 159. The council when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health, and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the city, shall become hurtful and dangerous to the health of the neighborhood the council may prohibit the further exercise of such business or employment at such place.

Relative to dangerous and offensive business.

SEC. 160. The council may purchase the necessary lands and erect thereon or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the necessary officers, attendants or employes for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health, persons having any malignant, infectious or contagious disease may be removed to such hospital and there detained and treated when the public safety may so require, and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

Establishment of hospitals, etc.

SEC. 161. The council of said city shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are

Council vested with powers of boards of health.

applicable and consistent with this act, and they may enact such ordinances as may be proper for regulating the proceedings and mode of exercising such powers and authority.

May establish
boards of
health, etc.

SEC. 162. The council when deemed necessary may establish a board of health for the city and appoint the necessary officers thereof and provide rules for its government and invest it with such power and authority as may be necessary for the protection and preservation of the health of the city, and in addition thereto the board shall have and exercise all the powers and authority conferred on boards of health by the chapter of the compiled laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act; and the council may prescribe penalties for the violation of any lawful order, rule or regulation made by the board of health or any officers thereof.

CEMETERIES.

City may ac-
quire and own.

SEC. 163. Said city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and buried elsewhere.

Raising of
money for.

SEC. 164. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement, adornment, protection and care thereof.

Authority of
council.

SEC. 165. The council of said city owning a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein contained and to control or regulate such cemetery or burial place and the improvement thereof and to protect the same and the appurtenances thereof from injury and to punish violations of any lawful orders and regulations made by the council.

Church ceme-
teries.

SEC. 166. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

POUNDS.

Council may
provide, etc.

SEC. 167. The council may provide and maintain one or more pounds within the city and may appoint pound-masters, prescribe

their powers and duties and fix their compensation, and may authorize the impounding of all beasts, geese and other fowls found in the streets or otherwise at large or tied or staked in such streets for the purpose of grazing or feeding contrary to any ordinance of the city; and if there shall be no pound or pound-master, they may provide for the impounding of such beasts, geese and fowls by the city marshal in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of pound-master.

SEC. 168. The council may also prescribe the fees for impounding and the amount or rate of expenses for keeping and the charges to be paid by the owner or keeper of the beasts, geese or fowls impounded, and may authorize the sale of such beasts, geese and fowls for the payment of such fees, expenses and charges and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

Fees, charges,
etc.

MARKETS.

SEC. 169. The council of said city shall have the power to erect market-houses, establish and regulate markets and market-places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants, to prescribe the time for opening and closing the same, the kind and description of articles which may be sold and the stands and places to be occupied by the vendors.

Erection, regula-
tion, etc.

SEC. 170. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets; and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession; and may authorize the seizure and destruction of tainted or unsound meats or other provisions exposed for sale therein.

Rules to pre-
vent frauds, etc.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

SEC. 171. Said city may acquire, purchase and erect all such public buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and all other purposes necessary or convenient for the public good and the execution of the powers conferred by this act; and such buildings and grounds or any part thereof may be sold, leased mortgaged and disposed of as occasion may require.

Acquisition, use
and disposition
of.

SEC. 172. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works and other necessary public uses, may be purchased, erected and maintained beyond the corporate limits of the city; and in such cases the council shall have authority to enforce, beyond the city limits and over such

Of hospitals,
water-works,
etc., outside
city limits.

lands, buildings and property in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses and hospitals.

Of parks within city.

SEC. 173. The council shall have authority to lay out, establish and enlarge or vacate and discontinue public grounds and parks within the city and to improve, light and ornament the same and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachments and injury and from all nuisances.

SEWERS, DRAINS AND WATER COURSES.

Establishment and construction of.

SEC. 174. The council of said city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and material, and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this act for taking such property for public use. But in all cases where the council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

Board of sewer commissioners, etc.

SEC. 175. If the council shall deem it expedient they may establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction and may by ordinance prescribe their powers, compensation, term of office and duties.

Plan for drainage.

SEC. 176. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city or any part thereof, it shall be their duty to devise or cause a plan of drainage to be devised by the whole city or for such part thereof as they shall determine.

How formed.

SEC. 177. Such plans shall, in the discretion of the council, be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewers with the necessary branches and connections; the districts to be numbered and so arranged as to be nearly independent of each other as may be. Plans or diagrams of said plan when adopted shall be filed in the office of the city clerk.

Plans.

Special sewer districts.

SEC. 178. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer, and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary special districts, to include one or more local or branch sewers and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

SEC. 179. The council may, however, provide for main or Trunk sewers. trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city clerk in the book of sewer records.

SEC. 180. The cost and expenses of establishing and making Manner of paying for sewers. any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main district sewer or of the cost of any lateral, branch, or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands [land] and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

SEC. 181. Before proceeding to the construction of any district Diagrams and estimates. sewer the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots, and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof; and they shall give notice by publication for at least Notice. two weeks in one of the newspapers of the city of the intention to construct such sewer and where said diagram and plat may be found for examination and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested with respect to such sewer.

SEC. 182. When the council shall determine to construct any Declaration by resolution. such district sewer they shall so declare by resolution, designating the district and describing by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the Apportionment of expenses. sewer shall be paid from the general sewer fund and what part shall be defrayed by special assessments according to benefits; and they shall cause such plat and diagrams as adopted to be recorded Record of plat. in the office of the city clerk in the book of sewer records.

SEC. 183. Special assessments for the construction of sewers Special assessments, etc. shall be made by the board of assessors in the manner provided in this act for making special assessments.

SEC. 184. When the owners of the majority of the lands liable Formation of sewer districts. to taxation in any sewer district or part of the city which may be constituted a sewer district shall petition for the construction of Petitions, etc. a sewer therein the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

- Private drains.** SEC. 185. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain and thereby drain such lots and premises; and to keep such private drains repair and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirement the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained and may be collected by special assessment to be levied thereon.
- Connection with public sewers.** SEC. 186. The owners or occupants of lots and premises shall have the right to connect the same at their own expense by means of private drains with the public sewers and drains under such rules and regulations as the council shall prescribe.
- Annual fees for use of sewers.** SEC. 187. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers such reasonable sum, not exceeding two dollars per year, as they may deem just in proportion to the amount of drainage through such private drain, and such charge shall be a lien upon the premises and may be collected by special assessment thereon or otherwise.
- Special assessment for ditches, etc.** SEC. 188. Such part of the expenses of providing ditches and improving water courses as the council shall determine may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.
- Expenses of repairing.** SEC. 189. The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.
- Protection and control.** SEC. 190. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and to carry into effect the powers herein conferred in respect to drainage of the city.

STREETS AND PUBLIC GROUNDS.

- Control and repairing of.** SEC. 191. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city and shall cause the same to be kept in repair and free from nuisance.
- Certain streets excepted.** SEC. 192. But the city shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any land which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

SEC. 193. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city whenever they shall deem the same a public improvement, and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amounts paid for private property taken for public streets, may be paid by special assessments upon the property adjacent to or benefited by such improvement in the manner in this act provided for levying and collecting special assessments; or in the discretion of the council a portion of such cost and expenses may be paid by special assessments as aforesaid and the balance from the general street fund.

Laying out,
altering, etc.

Expenses.

SEC. 194. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground or any part thereof, they shall by resolution so declare and in the same resolution shall appoint a time, not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time appointed for such meeting in one or more of the newspapers of the city. Objections to such proposed action of the council may be filed with the city clerk in writing and if any such shall be filed, the street, alley or public ground or any part thereof shall not be vacated or discontinued except by a concurring vote of two-thirds of the aldermen elect.

Vacating of
streets.

Notice.

Filing objec-
tions.

Effect of.

SEC. 195. The council may cause all public streets, alleys and public grounds to be surveyed and may determine and establish the boundaries thereof and cause the surveys and descriptions thereof to be recorded in the office of the city clerk in a book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council to be recorded in like manner and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be *prima facie* evidence of all the matters therein set forth.

Survey of
streets and rec-
ord of same.

Record of reso-
lution vacating,
etc.

SEC. 196. The council shall have authority to determine and establish the grades of all streets, avenues, alleys and public grounds within the city and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley or public ground or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the city clerk.

Street grades,
etc.

Record of, etc.

Expense of
change of
grade, etc.

SEC. 197. Whenever any street, alley or public highway shall have been graded or pavement shall have been constructed in conformity to grades established by authority of the city, and the expense thereof shall have been assessed upon lots or lands bounded by or abutting upon said street, alley or public highway, the owner or owners of such lot or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway unless such change be asked for by a majority of the owners of such lots or lands, but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Damages from
change of
grade.

SEC. 198. If any damage shall result to any owner by a change of the established grade of any street, alley or sidewalk the council may in their discretion levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same, but the city shall incur no liability by reason of anything in this section contained.

PAVING AND IMPROVEMENTS.

Authority for.

SEC. 199. The council shall have power to grade, pave, plank, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city, and for that purpose and for the defraying the expenses thereof may divide the city into street districts. The term "paving" shall be deemed to include the construction of cross-walks, gutters and curbing.

Paving defined.

Apportionment
of paving ex-
penses.

SEC. 200. Such part of the expenses of improving any street, lane or alley, by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each, or the whole; or such part of the expense of such improvement as the council shall determine, may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon the part of the street or alley so improved or proposed so to be, or constituted of lands fronting upon such improvements and such other lands as in the opinion of the council may be benefited by the improvement.

Idem.
In case of public
property.

SEC. 201. When expenses for any such improvement or repairs shall be assessed in a special assessment district and there shall be lands belonging to the city, school buildings or other public buildings, or public grounds not taxable, fronting on [upon] such improvement, such part of the expense of such improvement as in the opinion of the common council or board of assessors making special assessment would be justly apportionable to such public grounds, buildings and city property and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general street fund or from the proper street district fund or partly from each as the council shall determine to be just, and the balance of such

expenses shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement; or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district, in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon other lots, the council or board of assessors making the assessment may assess such lots for such number of feet frontage as in their opinion will be just.

STREET REGULATIONS.

SEC. 202. The council shall have power to prohibit and prevent obstructions and incumbrances in, and encroachment upon the public highways, streets and alleys of the city and to remove the same, and to punish those who shall obstruct, incumber, encroach or maintain any encroachments upon or in any such highway, street or alley and to require all such persons to remove every such obstruction, incumbrance and encroachment.

Obstructions,
encroachments,
etc.

SEC. 203. The council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of the city, and for the protection thereof, and may light the streets and public places and regulate the setting of lamps and lamp-posts therein and protect the same.

Trees, lamp-
posts, etc.

SEC. 204. The council may regulate the making of all openings in and removals of the soil of public streets, for the laying or repair of sewers, drains, gas-pipes, water-pipes or for any other purpose, and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Openings in
streets, etc.

SEC. 205. The council may regulate the use of the public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use or placing of signs, advertisements and banners, awning-posts and telegraph, telephone and electric light poles and wires in, under or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gathering of crowds in the streets as may interfere with the lawful use thereof or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and

Use of streets.

Stands for
vehicles.

Wood and hay
market, etc.

Signs, etc.

Immoderate
driving.

Gathering of
crowds.

Running at
large of animals
and fowls.

other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof and to promote the general welfare; and in addition to all other powers herein granted the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

Cleaning of streets, etc.

Council to have general authority.

SIDEWALKS.

Construction, etc.

SEC. 206. The city council shall have control of all sidewalks in the public streets and alleys of the city, and may prescribe the grade thereof and change the same when deemed necessary. They shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys and charge the expense thereof on the lots and premises adjacent to and abutting upon such walks.

Idem.

SEC. 207. The council shall also have authority to require the owners and occupants of lots and premises to construct and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times; and to construct and lay the same upon such lines and grades and of such width, materials and manner of construction, and within such time as the council shall by ordinance or resolution prescribe.

Removal of snow, ice, etc.

SEC. 208. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances.

Proceedings in case of neglect.

SEC. 209. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and such manner as the council shall require, the council may cause the same to be done and such sidewalks to be constructed or repaired or cleared from snow and ice at the expense of such owner or occupant, and the amount of all expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk.

Expense, how paid.

The council shall have power to regulate and pro- Regulations as
 -acting of signs, awnings, awning-posts and of other to signs, exca-
 -or over sidewalks and to regulate or prohibit the vations, etc.
 -and use of openings in the sidewalks and of all
 -tures and excavations under the same, and to pro-
 -vent obstructions, incumbrances or other nuisances
 -ewalk.

If any owner, occupant or person in charge of any Liabilities of
 -es shall neglect to repair any sidewalk in front of or lot owners, etc.
 -such premises, or to remove any snow or ice there-
 -keep the same free from obstructions and incum-
 -accordance with the requirements of the ordinances
 -ons of the council, he shall be liable to the city for
 -of all damages which shall be recovered against the
 -accident or injury occurring by reason of such

OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

The cost and expense of the following improve- Certain im-
 -ding the necessary lands therefor, viz., for city hall provements
 -public buildings and offices for the use of the city paid from gen-
 -ne houses and structures for the fire department, for eral fund.
 -market-houses and spaces, cemeteries and parks,
 -, city prisons and work-houses, lands appropriated
 -nd rights-of-way shall be paid from the proper gen-
 -the city. When by the provisions of this act the

Special assess-
 -enses of any local or public improvement may be ment.
 -whole or in part by special assessment upon lands
 -on and adjacent to or otherwise benefited by the im-
 -such assessment may be made as in this act provided.

There shall be a board of assessors in said city con- Board of assess-
 -ne city surveyor or his deputy, city clerk and city ora, compensa-
 -their compensation shall be prescribed by the council. tion, etc.
 -ssments authorized by this act shall be made by such
 -member of the board shall be interested in any special
 -directed by the council they shall appoint some other
 -in his stead in making the assessment who, for the
 -at assessment, shall be a member of the board.

When the council shall determine to make any Expenses of im-
 -vements or repairs and defray the whole or any part provements,
 -nd expenses thereof by special assessment, they shall how appor-
 -y resolution, stating the improvement and what part tioned.
 -a of the expense thereof shall be paid by special
 -nd what part if any has been appropriated from the
 -s of the city or from street district funds, and shall
 -e district or lands and premises upon which the
 -ment shall be levied.

Before ordering any public improvements or repairs, Estimates,
 -the expenses of which is to be defrayed by special plans, etc.
 -cept special assessments for the construction of side-

- walks, the council shall cause estimates of the expense thereof to be made and also plats and diagrams, when practicable, of the work and the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof, except in case of sidewalks, and of the proposed improvement or work and of the district to be assessed, by publication for two weeks at least, in one or more of the newspapers of the city, and of the time when the council will meet and consider any objections thereto. Unless a majority of the persons to be assessed shall petition therefor no such improvement or work shall be ordered except by the concurrence of two-thirds of the aldermen elect.
- Costs.** SEC. 216. The cost and expenses of any improvement which may be defrayed by special assessment shall include the cost [costs] of surveys, plans, assessments and costs of construction. In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five per cent of the value of such lot or land as valued and assessed for State and county taxation in the last preceding ward tax-roll. Any cost exceeding that per cent which would otherwise be chargeable on such lot or premises shall be paid from the general funds of the city.
- When levied.** SEC. 217. Special assessments to defray the estimated cost of any improvement may be levied before the making of the improvement.
- Statement to board of assessors.** SEC. 218. When any special assessment is to be made pro rata upon the lots and premises in any special district according to frontage or benefits, the council shall by resolution direct the same to be made by the board of assessors and shall state therein the amount to be assessed and whether according to frontage or benefits, and describe or designate the lots or [and] premises or locality constituting the district to be assessed.
- Assessment roll.** SEC. 219. Upon receiving such order and directions the board of assessors shall make out an assessment roll entering and describing therein all the lots, premises and parcels of land to be assessed and the valuation thereof with the names of the persons, if known, chargeable with the assessments thereon and shall levy thereon and against such persons the amount to be assessed in the manner directed by the council and the provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the council.
- Assessments according to frontage.** SEC. 220. If the assessment is required to be according to frontage they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the size or shape of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits they shall assess upon each lot such relative portion of the whole sum to be levied as shall be propor-

tionate to the estimated benefit resulting to such lot from the improvement. According to benefit.

SEC. 221. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, on an account of the labor or services for which such expense was incurred verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred and the name of the owner or person chargeable therewith, shall be reported to the council in such a manner as the council shall prescribe. Other assessments.

SEC. 222. The council shall determine what amount or part of such expense shall be charged and the person if known against whom and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined and the several lots or premises and the persons chargeable therewith respectively to be reported by the city clerk to the board of assessors for assessment. Duties of council respecting special assessments.

SEC. 223. Upon receiving the report mentioned in the preceding section the board of assessors shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to them and against the person chargeable therewith if known the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the council. Duties of assessors.

SEC. 224. When any special assessment shall be reported by the board of assessors to the council, as in this act directed, the same shall be filed in the office of the city clerk and numbered. Before adopting the assessment, the council shall cause notice to be published for two weeks at least, in one or more newspapers of the city, of the filing of the same with the city clerk and appointing a time when the council and board of assessors will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk. Filing and review of assessment.

SEC. 225. At the time appointed for that purpose as aforesaid, the council and board of assessors shall meet and there or at some adjourned meeting review the assessment; and the council shall correct the same, if necessary, and confirm it as reported or as corrected, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the city clerk shall endorse a certificate thereof upon the roll showing the date of confirmation. Objections.

SEC. 226. When any special assessment shall be confirmed by the council it shall be final and conclusive; but no such assess- Review, etc.

Certificate.

Confirmation.

- ment shall be confirmed except by the concurrence of two-thirds of the aldermen elect.
- Assessment a lien, etc.** SEC. 227. All special assessments shall from the date of their confirmation thereof constitute a lien upon the respective lots and parcels of land assessed, and shall be a charge against the person to whom assessed until paid.
- Division of, into installments.** SEC. 228. Upon the confirmation of any special assessment the amount thereof may be divided into not more than five installments, one of which shall be collected each year at such time as the council shall determine, with annual interest at a rate not exceeding eight per cent.
- First installment, when due.** SEC. 229. All special assessments, except such installments thereof as the council shall make payable at a future time provided in the preceding section, shall be due and payable upon confirmation.
- Special roll for each installment.** SEC. 230. If any special assessments shall be divided into installments, a special assessment roll shall be made for each installment as the same shall become due with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls may be made and confirmed without notice to the persons assessed.
- In case of division of lots.** SEC. 231. Should any lots or land be divided after a special assessment thereon has been confirmed and divided into installments and before the collection of all the installments, the council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment when confirmed shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division.
- In case of a deficiency.** SEC. 232. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied and the expenses incident thereto, the council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary the excess shall be refunded ratably to those by whom it was paid.
- Of surplus.**
- In case of irregularity, etc.** SEC. 233. Whenever any special assessment shall in the opinion of the council be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not or whether any part of the assessment have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded the payment so made shall be applied upon the re-assessment of said premises and the re-assessment shall to that extent be deemed satisfied.

SEC. 234. No judgment or decree nor any act of the council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Lien not destroyed.

SEC. 235. Whenever any special assessment shall be confirmed and be payable the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed, respectively. Upon receiving said report the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed and against the persons chargeable therewith, as a tax in the ward tax-roll next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said ward tax-roll shall be collected and enforced with the other taxes in the ward tax-roll and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

What assessments may be reported to supervisor.

Levy and collection of same.

SEC. 236. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the council, instead of requiring the assessment to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom, and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city collector to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and that he pay the money so collected into the city treasury and return said roll and warrant together with his doings thereon in sixty days of the date of such warrant.

Council may order direct collection by city collector.

SEC. 237. Upon receiving said assessment roll and warrant the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand the collector shall seize and levy upon any personal property found within the city or elsewhere within the county belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city or township where such property may be found. The proceeds of such sale or so much thereof as may be necessary

Duty of collector.

for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the cost and expenses of said seizure and sale, and the surplus if any, shall be paid to the person entitled thereto.

Further duties
of collector.

SEC. 238. The city collector shall pay the moneys and all the percentage collected by him into the city treasury and take the treasurer's receipt therefor and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk according to the requirement of the warrant and if any of the assessments in said roll shall be returned unpaid the collector shall attach to his return a statement verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessment remains unpaid, and the amount unpaid on each.

Renewal of war-
rant.

SEC. 239. Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the city collector shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the city collector unpaid as aforesaid the same may be certified to the supervisor of the proper ward in the manner provided in section two hundred and thirty-five of this act, and shall then be re-assessed with interest included at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next in the next, ward tax-roll, and be collected and paid in all respects as provided in section two hundred and thirty-five aforesaid.

Collection by
suit.

SEC. 240. At any time after a special assessment has become payable the same may be collected by suit in the name of the city against the person assessed in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution confirming the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor.

Judgment in
case of irregu-
larity.

SEC. 241. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against the defendant or upon such lot or premises.

APPROPRIATION OF PRIVATE PROPERTY.

For what pur-
poses.

SEC. 242. Private property may be appropriated for public use in said city for the purpose of opening, widening, altering and extending streets, alleys and avenues, for the construction of

bridges, for buildings and structures for the fire department, for public grounds, parks, market places and spaces, and for the improvement of water courses, for sewers, drains and ditches, for water-works, and for necessary public buildings, hospitals, pest-houses and public cemeteries. But such property shall not be taken therefor without the consent of the owner unless the necessity for using the same and the just compensation to be made therefor shall be determined by a jury of twelve freeholders residing in the city, nor shall any improvement requiring the taking of private property be made except with the concurrence of two-thirds of all the aldermen elected to office. The council may however acquire such property by negotiation and purchase.

Manner of
acquiring.

SEC. 243. When the council shall deem it necessary to make any public improvements requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution describing the proposed improvement and each parcel of land designated to be taken by metes and bounds, giving the names of the owners or persons interested therein so far as known, and shall in the same resolution designate a justice of the peace of the city to whom an application will be made at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using such land, and the just compensation to be made therefor.

Proceedings of
council when
seizure is neces-
sary.

SEC. 244. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and a notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application; and a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county at least two weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county, and if any such guardian, owner or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be posted upon the premises to be taken, the same length of time before making the application. A return by the sheriff or city marshal of the service or posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice before or at the time of making said application. And after the publication and service of posting of said notice as aforesaid the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice except as herein otherwise provided.

Notice of appli-
cation for jury.

Service of.

Return by offi-
cer, when and
where filed.

Effect of notice.

SEC. 245. At the time appointed therefor in said notice and

Impanelling
jury.

resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall upon the application of the city attorney cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city competent to serve as jurors. From said list the city attorney shall strike off six names and the owner of the lands and persons interested in said lands shall strike off six names, or upon their failing to do so the justice shall strike off six such names for him or them, and thereupon the said justice shall issue a *venire* directed to the city marshal or sheriff of the county to summon the twelve persons whose names remain on [upon] said list, to appear before said justice at a time and place in said *venire* to be named, not less than three or more than six days from the date thereof, to make a jury to inquire of and determine the matter referred to in said resolution, and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

Liability of
jurors.

Interest of
infants, etc.

SEC. 246. At the time of making the application to the justice for the impanelling of the jury, and at all subsequent proceedings any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interest of the person for whom he is so appointed.

Completing
panel.

SEC. 247. If upon the return of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city, until a panel of twelve qualified jurors shall be obtained. Each party and every person having an interest in any of the lands shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolutions, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Right of chal-
lenge.

Oath.

Copy of notice,
etc., and plat to
be given jury.

SEC. 248. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement showing the location and boundaries of each parcel of land sought to be taken, and its position in relation to adjoining lands; and any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as owner or party interested, may then file with the justice a state-

Persons not
named may file
statement.

ment of his interest in and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

SEC. 249. The jury shall then or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this act relating to their duties. Jury to examine premises, etc.
Justice to instruct.

SEC. 250. The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefits. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees or otherwise, they shall apportion to each, such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate. Determination and award of.

SEC. 251. The jury shall make a report of their determinations and awards in writing. They shall describe therein by metes and bounds each piece or parcel of land which they shall find it necessary to take for the purpose of said improvements, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken and the net amount awarded as damages and compensation therefor, the name of the owner and of any persons having separate claims thereon by mortgage, lease or otherwise, to whom said damages are awarded and the amount awarded to each and the date and description of any mortgage, lease or lien by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury without deciding between the claimants, shall report the fact, their names and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report signed by each juror shall be returned to the justice within ten days after the impaneling of the jury. Report of.

SEC. 252. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report and all proceedings had in the cause before him in his docket. Duty of city attorney.
Of justice.

SEC. 253. A disagreement of the jury as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and upon any such disagreement the Disagreement of jury.

Appointment in place of jurors unable to discharge duties.	justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the land concerning which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place who shall have the like qualifications and be sworn and exercise the same duties as the other jurors of the panel.
Copy of report.	SEC. 254. Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter and within forty days after the empaneling of the jury making the report the justice, upon the application of the city council, shall enter judgment of confirmation of the determination and award therein made. Unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.
Judgment of confirmation.	
When not made within forty days.	
Appeal to circuit court.	SEC. 255. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may within ten days after the entry thereof, appeal therefrom to the circuit court of the county by filing with the justice a claim of appeal in writing in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections if any to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice conditioned that he will prosecute his appeal to effect and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.
Bill of exceptions.	SEC. 256. At the time of filing said claim of appeal the appellant shall present to the justice a statement in the nature of a bill of exceptions containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney who may propose amendments to said bill. Within ten days after said bill is presented said justice shall if necessary cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of
Correction of, by justice.	
Filing of transcript, etc.	

the jury and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

SEC. 257. Upon filing the return of the justice as mentioned in the preceeding section, the circuit court shall have jurisdiction of the case; and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term, upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice as to the necessity of taking the land shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal.

When court shall remand case.

When parties may proceed to trial.

Appeal of one person not to affect others.

SEC. 258. Upon any dismissal of the appeal or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise the court shall award such costs to him as shall be just.

Judgment.

Costs.

SEC. 259. Certified copies of any judgment of confirmation of the circuit court or of the justice of the peace, after the same has become final and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the city clerk, shall be presumptive evidence of the matters therein contained and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Record, and copies of judgment, evidence, etc.

SEC. 260. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them as finally confirmed. And in case any such person shall refuse the same, be unknown or a non-resident of the city or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto and the same shall be paid on demand to any person entitled to receive it. No delay in making any awards of damages or in taking possession of any property shall be occasioned by any doubt as to the ownership of the property

Damages, payment of.

Where deposited in certain cases.

Doubt not to cause delay.

or as to the interest of the respective parties making c thereto.

When title to vest in city.

SEC. 261. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken with the appurtenances and the right to occupy the premises sought to be used, shall vest in the city, and the council may sell and use the same. A certificate of the city treasurer of the payment, tender or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated and of the ownership of the city in the lands and property taken.

Evidence of ownership, etc.

Effect of judgment upon leases.

SEC. 262. In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court or upon the confirmation by the justice of the peace; the same shall become final. If a part only of such real estate shall be taken the said covenants and agreements shall be charged only as to such part.

FINANCES AND TAXATION.

Fiscal year.

SEC. 263. The fiscal year of said city of Adrian shall commence on the third Monday in March in each year unless otherwise provided by ordinance.

Authority of council to raise money by taxation.

SEC. 264. The council of said city shall have authority within the limitations herein prescribed to raise annually, by tax, within the corporation, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city and carry into effect the powers in this act granted.

Divisions of revenue raised by general tax.

SEC. 265. The revenues raised by general tax upon all property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

Fund, contingent.

First, Contingent fund to defray the contingent and unexpected expenses of the city for the payment of which from some fund no provision is made;

Fire department.

Second, Fire department fund to defray the expenses of purchasing grounds, erecting engine-houses thereon, purchasing engines and other fire apparatus and all other expenses necessary to maintain the fire department of the city;

General street.

Third, General street fund to defray the expenses of opening, widening, extending, altering and vacating streets, alleys, public grounds, and for grading, paving, curbing, graveling, otherwise improving, repairing and cleaning the streets, and public grounds of the city and for the construction and repair of sidewalks and crosswalks and for the care thereof;

General sewer.

Fourth, General sewer fund to defray the expenses of sewers, drains, ditches and drainage and the improvement of water courses;

Bridge.

Fifth, Bridge fund for the construction and maintenance of bridges;

Sixth, Water fund for constructing reservoirs and cisterns, and Water.
providing other supplies of water;

Seventh, Public building fund for providing for public build- Public building.
ings and for the purchase of land therefor, and for the erection,
preservation and repair of any such public buildings, city hall,
offices, prisons, watch-houses and hospitals as the council is
authorized to erect and maintain and not herein otherwise pro-
vided for;

Eighth, Police fund for the maintenance of the police of the Police.
city and to defray the expenses of the arrest and punishment of
those violating the ordinances of the city;

Ninth, Poor fund for the support, maintenance and relief of Poor.
the poor;

Tenth, Interest and sinking fund for the payment of the public Interest and
debt of the city and the interest thereon; sinking.

Eleventh, Such other general funds as the council may from Other general
time to time constitute. funds.

SEC. 266. Revenues and moneys raised by taxation in special Divisions of
districts of the city shall be divided into the following special revenue raised
funds: in special dis-
tricts.

First, A street district fund for each street district, for the Street district
defraying the expenses of grading, improving, repairing and fund.
working upon the streets therein and for the payment of all street
expenses which the council shall charge upon the street district;

Second, A district sewer fund for each main sewer district, for Sewer district
the payment of the costs and expenses of sewers and drainage in fund.
and chargeable to the main sewer district when the city shall be
divided into such districts;

Third, Special assessment funds: any money raised by special Special assess-
assessment levied in any special assessment district or special ment fund.
sewer district to defray the expenses of any work, paving,
improvement or repairs or drainage therein shall constitute a
special fund for the purpose for which it was raised.

SEC. 267. The aggregate amount which the council may raise Aggregate
by general tax upon the taxable real and personal property in the amount council
city for the purpose of defraying the general expenses and liabili- may raise by
ties of the corporation and for all purposes for which the several general tax.
general funds mentioned in section two hundred and sixty-five of
this act are constituted (exclusive of taxes for schools and school-
house purposes) shall not, except as herein otherwise provided,
exceed in any one year one and three-fourths per cent on the
assessed value of all the real and personal property in the city
made taxable by law.

SEC. 268. The council may also raise by tax in each street Amount in each
district for defraying the expenses of working upon, improving street district,
and repairing and cleaning the streets of the district and for all etc.
purposes for which the street district fund above mentioned
is constituted a sum not exceeding in any one year one-fourth of
one per cent on the assessed value of the taxable real and personal
property in the district.

SEC. 269. In addition to the above amounts the council may

Amount in
sewer and
special assess-
ment districts.

raise by special assessment in sewer districts and special assessment districts for the purpose of grading and paving, curbing, graveling and otherwise improving the streets and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted such sums as they shall deem necessary, but not exceeding in any one year five per cent on the assessed value of the property in the sewer district or special assessment district as the case may be shown by the last preceding assessment rolls of the city.

Tax for use of
public sewer.

SEC. 270. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by private sewer or drain leading into any public drain or sewer.

Tax to provide
for interest and
sinking fund.

SEC. 271. The council may also raise such further sum annually not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide interest and sinking fund to pay the funded debts of the city and the interest thereon.

Estimates of
expenditures.

SEC. 272. It shall be the duty of the council to cause estimates to be made in the month of September in each year of all expenditures which will be required to be made from the several general funds of the city during the next fiscal year for the payment of interest and debts to fall due or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the construction of sewers, making improvements and for the support of the police and fire departments, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also estimate the amounts that would be required to be expended from street district funds during the next fiscal year in working upon improving and repairing the streets in the several street districts of the city.

Determination
of amounts to
meet deficiencies.

SEC. 273. The council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year and also the amount or part of any special assessments which they require to be levied or re-assessed in the next general tax-rolls of the city upon lands in any main sewer or special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Annual appro-
priation bill.

SEC. 274. The council shall also in the said month of September pass a resolution to be termed the annual appropriation bill, which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds and from the street district funds as estimated and determined upon as provided in section two hundred and seventy-two of this act, and order the same or so much of such amounts may be necessary to be raised by tax with the next general tax

or both and to be paid into the several general district funds of the city, but the whole amount raised by tax or loan or both shall not except as provided exceed the amount which the city is sections two hundred and sixty-seven, two hundred and two hundred and seventy-one of this act to tax during the year. The council shall specify in the object and purposes for which such appropriation and the amount appropriated for each object or each of the general funds and street district funds. It shall also designate in the appropriation bill the sums, to be levied to meet any deficiency for the current amount or part of any special assessment or other require to be levied or re-assessed with the next mentioned in section two hundred and seventy-three the disposition to be made of such moneys, and may in said bill any local improvements which they may make during the next fiscal year to be paid for part by special assessments and the estimated cost

All sums ordered in the annual appropriation bill to be raised for the several general funds and all to be raised by the council by the board of education to be for parks, library and school-house purposes, shall be certified to the clerk of the board of the supervisors of the county on the first Monday of October. And all sums ordered in the annual appropriation bill to be levied or re-assessed in street or sewer districts or assessments shall be certified at the same time to the clerk of the board of the supervisors of the county for the respective wards as provided in this act, and all shall be levied and collected with the State and county taxes and thereafter to be levied in the city.

After the passage of the annual appropriation bill no sums shall be used, raised or appropriated, nor shall any liability be incurred for any purpose to be paid from any general fund or street district fund during the fiscal year for which the appropriation was made, unless the proposition to make such appropriation shall be sanctioned by a majority vote of the city upon the proposition at the next annual city election. This section shall not prohibit the council from making any repairs or expenditure at a cost not exceeding one hundred dollars, the necessity for which is caused by casualty occurring after making the annual appropriation for the purpose of loaning the money therefor.

No improvement, work, repairs or expense to be paid from any general fund or street district fund excepting as provided shall be ordered, commenced or contracted or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor in the last preceding appropriation bill; nor shall any expenditure be made or incurred in any such year for any such work, improvement or for any purpose exceeding the appropriation so

Sewers ordered,
etc., when and
to whom certi-
fied.

No further
sums raised,
etc., except as
herein provided.

Improvements
are limited by
appropriations.

	made therefor; nor shall any expenditure be made or money paid out of any general or street district fund for any purpose unless appropriated for that purpose in said bill.
Limit to cost of certain improvements not specified, etc.	SEC. 278. No work or improvement to be paid for by special assessment costing more than three thousand dollars shall be ordered, commenced, or contracted for, nor shall any assessment be levied therefor in any year unless the intention to make improvement or expenditure and to defray the cost thereof by special assessment, was set forth in the preceding annual appropriation bill except by a two-thirds vote of the aldermen elected.
Taxes levied before commencement of work.	SEC. 279. No public work, improvement or expenditure shall be commenced nor any contract therefor be let or made, unless herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expenses thereof, and no such work or improvement shall be paid for or contracted to be paid for except from the proceeds of the tax or assessment thus levied.
Certain funds raised partly by loan.	SEC. 280. Instead of levying a tax for the whole amount authorized by this act to be raised in that manner in any year for any purpose of the general and street district funds the council may in its discretion raise a part thereof by tax and a part thereof by loan: <i>Provided</i> , That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year. The city council shall have no power to contract any debt or incur any expense or liability to make any expenditure or contract in any fiscal year the aggregate amount of which debt, liability or contract shall together with the current annual expenses exceed the amount which might be raised by taxation for general city purposes from the assessed property of said city in said year unless first authorized so to do by a vote of the electors of said city.
Proviso as to amount, etc.	
Loan in anticipation of receipts, etc.	SEC. 281. The council shall also have authority to raise money by loan in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvements for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.
Greater sums may be authorized by electors.	SEC. 282. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes to be paid for from the general funds of the city than can be raised by the council under the foregoing provisions of this act, such amount may be raised by tax or loan or partly by tax and partly by loan if authorized by a majority vote of the electors voting upon the question at an annual city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two per cent of the assessed value of the property in the city as shown by the last preceding tax rolls made therein.
Limit of amount.	
Ordinance submitting question to vote of electors.	SEC. 283. The proposition to raise such additional amount shall be submitted to a vote of the electors made by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor

by tax or loan. Such ordinance or resolution shall be published in one or more of the newspapers of the city thereof posted in five of the most public places in the city at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Notice.

All moneys and taxes raised, loaned or appropriated for any particular fund, shall be paid in and credited to that fund and shall be applied to the purposes for which they were raised and received and to none other, nor shall moneys belonging to one fund be transferred to any other fund or be applied to any purpose for which such other fund is appropriated, except when there shall be a surplus in any fund at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund, should there be no other fund in that fund, otherwise the council may apply such surplus to any other fund they shall deem proper. Moneys not received or expended for any particular fund shall be credited to the con-

Ballot.

Moneys raised for any fund to be ordered to such fund.

When surplus may be transferred.

Contingent fund.

No money shall be drawn from the treasury except on warrant of the clerk countersigned by the mayor. The warrant shall specify the fund from which it is payable and shall be paid from no other fund.

How money drawn.

No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted, nor shall any other fund be used to pay liabilities outstanding and previously incurred and payable from any other fund. Any warrant drawn on any fund shall be payable by the provisions of this act from any fund, excepting bonds given for loans herein authorized or made after such fund has been exhausted by other warrants or by previous liabilities payable from such fund, and shall be void as against the city.

When warrants not to be drawn.

No loans shall be made by the council or by its officers in any year, exceeding the amounts prescribed in this act. All loans lawfully made the bonds of the city may be given for such loans at a legal rate of interest. A record showing the names and amounts of all bonds issued and when due shall be kept by the city clerk. When deemed necessary by the council, and at the time of payment new bonds may be issued to replace the old bonds falling due, in such manner as to merely replace the old bonds and not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it is payable and from what fund it is payable.

Loans and bonds.

Immediately upon the close of the fiscal year the council shall audit and settle the accounts of the city treasurer and the accounts also, as far as possible, of all persons having claims against the city or in which the city is interested, and shall make out a statement of the receipts and expenditures of the corporation for the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year

Auditing accounts.

Annual financial statement.

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for all purposes and the amount raised for each fund, the amount levied by special assessments and the amount collected on each and the amount of money borrowed and upon what time and terms and for what purpose; also the items and amounts received from all other sources during the year and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable and with what rate of interest, the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of the financial concerns of the city.

Statement filed,
etc.

SEC. 289. Said statement, signed by the mayor and clerk, shall be filed in the office of the city clerk, and a copy thereof published in one or more of the newspapers of the city, at least five days previous to the next annual city election.

Private use of
public money
prohibited.

SEC. 290. If any officer of the corporation shall directly or indirectly appropriate or convert any of the moneys, securities, evidences of value or any property whatsoever belonging to the corporation or any board thereof, to his own use, or shall directly or indirectly and knowingly appropriate or convert the same to any other purpose than that for which such money, securities, evidences of value or property may have been appropriated or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office and may be prosecuted, tried and convicted thereof, and on conviction may be punished by fine not exceeding one thousand dollars or by imprisonment in the State prison for a period not exceeding three years, or both in the discretion of the court.

Penalty.

ASSESSMENT AND COLLECTION OF TAXES.

Supervisors to
make assess-
ments.

SEC. 291. The supervisors of said city shall in each year make and complete an assessment of all the real and personal property within their respective wards liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein, in the same manner and within the same time as required by law for the assessment of property in the townships of the State, and in so doing they shall conform to the provisions of law governing the action of supervisors of townships performing like services, and in all other respects within their respective wards they shall, unless otherwise in this act provided, conform to the provisions of law applicable to the action and duties of supervisors in townships in the assessment of property, the reviewing and levying of taxes, and in the issuing of warrants for the collection and return thereof.

Action in case
of claim of ex-
emption.

SEC. 292. If any person residing in the city a part of the time during the year shall, in the opinion of any supervisor, unjustly falsely claim exemption from taxation therein, on the ground that he or she has a residence, and is taxed or liable to taxation elsewhere than in said city, the supervisor shall, notwithstanding, assess

such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the collector or officer requiring payment of such tax a receipt duly signed and authenticated by the affidavit of some other collector of taxes, and also by the affidavit of the person charged with the tax, showing that such person has paid a tax upon all of the same property for the same year to such other collector or receiver of taxes.

SEC. 293. All personal property found in any ward may be assessed therein whether the owner thereof resides in such ward or elsewhere. If there shall be any doubt as to the ward in which any person should be assessed for personal property belonging to such person, the board of review hereinafter mentioned may direct as to the ward in which the assessment shall be made, and any assessment so made shall be conclusive as to the liability of such person to be assessed in such ward for said property.

Personal property, when assessed.

SEC. 294. For the purpose of assessing all property equally in the whole city, the supervisors of the several wards shall meet and confer together from time to time while making their assessments, and equalize their valuations in such manner as may be just.

Supervisors to equalize assessments.

SEC. 295. The supervisors of the several wards together with the city attorney, shall constitute a board of review of assessments. At the time appointed by law for the review of assessments made by the board of review of townships [township], the said board of review shall meet at the office of the city clerk and proceed to review and correct the assessments made by the supervisors in the several wards; and for that purpose said board shall have the same powers and perform the same duties in all respects as boards of review of townships in reviewing and correcting assessments made by them. Said board shall continue in session not less than two days for the purpose of completing such review. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the city clerk, by publication in one or more of the newspapers of the city, one or more times one week before the time for the review.

Board of review.

Powers and duties.

Notice.

SEC. 296. When the board shall have reviewed and corrected the assessment rolls of the several wards they shall in addition to the certificate required to be made by the supervisor, add their own certificate to each roll, signed by at least a majority of them, showing that they have reviewed the roll, and within thirty days thereafter each supervisor shall deliver a certified copy of his assessment roll to the city clerk to be filed in his office for the use of the council. The board of review shall have authority to equalize, alter, amend and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal not already assessed, held or owned by any person or persons and to strike from said roll any property wrongfully thereon. The concurrence of a majority of the board shall be sufficient to decide any question in altering or correcting any assessment.

Board to certify.

Further powers of board.

Certificate to
county clerk of
amount.

SEC. 297. On or before the first Monday in October in each year the city clerk shall certify to the county clerk of the county the aggregate amount of all sums which the council require to be raised for the year for all city purposes and for schools and library and school-house purposes, by general taxation upon all the taxable property of the whole city.

Apportionment
to wards by
county clerk.

SEC. 298. Said county clerk, as clerk of the board of supervisors of the county, shall apportion the amount to be raised, as mentioned in the preceding section, among the several wards of the city according to the valuation of the property appearing upon the assessment rolls of the several wards of the city for such year as equalized by the board of supervisors, and certify to the supervisors of the several wards of said city for assessment therein the amount so apportioned to their respective wards, giving the amount apportioned for school and library and school-house purposes in a separate sum, within five days after the board of supervisors of the county shall have completed the equalization of the valuation of the property in said wards and townships of the county for the year. Said clerk of the board shall also certify to the city clerk the amounts apportioned to the several wards respectively as aforesaid.

Certificate to
city clerk.

Clerk's certificate of amounts
to be assessed
in special districts.

SEC. 299. On or before the first day in October in each year the city clerk shall certify to the supervisor of each ward for the assessment therein, all amounts which the council require to be assessed or re-assessed in any street district, main or special sewer district or other special assessment district, or upon any parcel of land or against any particular person, as a special assessment or otherwise within his ward, together with a designation of the district or description of the land or person upon or within which the several sums are to be assessed or re-assessed, with such further descriptions and directions as will enable the supervisor to assess the several amounts upon the property and persons chargeable therewith.

Time and manner of levying
tax and making
roll.

SEC. 300. Each supervisor at the time of levying State and county taxes in his ward for the year, shall levy in the same roll upon all the taxable property in the ward the amount certified to him by the clerk of the board of supervisors, as provided in section two hundred and ninety-eight of this act, to be raised for city school and library purposes, placing the city taxes in one column and the school, library, two-mill and school-house taxes in another column; and he shall also levy in the same roll upon the land and property and persons chargeable therewith all special assessments and sums reported to him by the city clerk, as provided in section two hundred and ninety-nine of this charter [act] or elsewhere in this act, for assessment or re-assessment in street districts, main or special sewer districts or for other special assessments, placing all such taxes in a column of special assessments, and shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried in another column, and a collection fee of five per cent on the tax

entered in another column, and the aggregate of taxes and fees shall be carried into the last column of the roll.

SEC. 301. The supervisors upon completing their rolls shall certify to the city collector the amounts of taxes levied in their respective rolls for State and county purposes, and to the city clerk the amounts levied therein for city and school taxes, special assessments, and other purposes, and for collection fees, and he shall charge the amount thereof to the city collector. The city collector shall give bonds to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first Monday in December, the several supervisors shall deliver certified copies of the tax-rolls with the taxes extended therein as aforesaid, to the city collector with their warrants for the collection of the taxes therein annexed thereto.

Supervisor's
certificate.

Collector's
bonds.
Copies of rolls,
etc., to whom
delivered.

SEC. 302. The warrants annexed to each roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively, and shall command the city collector to collect from the several persons named in the said roll the several sums named in the column thereof opposite their respective names, remitting upon all taxes paid before the first day of January next thereafter the percentage added for collection fees, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the first day of February then next; and the warrant shall authorize the collector, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Contents of
warrants.

SEC. 303. All taxes levied in any ward tax-roll shall be and remain a lien upon the lands upon which they are levied until paid.

Taxes a lien.

SEC. 304. Upon receiving the several tax-rolls as above provided, the city collector shall give notice immediately to the tax payers of the city that such rolls have been delivered to him and that the taxes therein levied can be paid to him at his office at any time before the first day of January then next, without charge for collection, but that five per cent collection fees shall be charged and collected upon all taxes remaining unpaid on said first day of January. Said notice shall be given by publishing the same twice in one or more of the newspapers of the city, and by posting copies thereof in three public places in each ward of the city; and it shall be the duty of the collector to be at his office at such times, previous to the said first day of January as the council shall direct, and there receive payment of such taxes as may be offered to him. He shall remit the collection fees upon all taxes paid to him before the said first day of January; but in all other cases he shall collect both the tax and the percentage for collection added in the roll. All such percentage for fees collected by him shall be paid into the city treasury to the credit of the contingent fund, and the treasurer's receipt there-

Collector's
notice.

How given.

Fees.

Percentage.

	for shall be taken and filed with the city clerk who shall charge the treasurer with the amount thereof.
Taxes, how collected after January 1st.	SEC. 305. For the collection of all taxes remaining unpaid the first day of January, the city collector shall proceed in the same manner as township treasurers are required by law to do the collection of taxes in townships, and shall for that purpose have all the powers and authority conferred by law upon township treasurers for such purposes, and shall when necessary enforce the payment of the tax against any person by distress and sale of his goods and chattels, if any such can be found anywhere within the county.
Issue of new warrants.	SEC. 306. The county treasurer may issue new warrants to the city collector for the collection of taxes in the same manner as in the same cases, and with the same effect as such new warrants may be issued to township treasurers. The city collector may and it shall be his duty to proceed by suit in the name of the city, for the collection of unpaid taxes in the same cases as under like circumstances in which township treasurers are authorized to proceed in that manner; and all the provisions of law applicable to suits and the evidence therein brought by township treasurers in the name of their township for such purposes shall apply to suits brought by the city collector as aforesaid.
Wards considered as township.	SEC. 307. For the purpose of assessing and levying taxes in said city of Adrian for State, county, school and library purposes each ward shall be considered the same as a township, and all the provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisors in such city, except as herein otherwise provided.
Powers of city collector.	For the purpose of collecting taxes and returning property for non-payment thereof, the city collector shall perform the same duties and have the same powers as township treasurers except as herein otherwise provided.
Moneys collected, how paid.	SEC. 308. The city collector shall within the time specified in the warrants annexed to said several tax-rolls, pay into the city treasury, out of the moneys collected by him on said rolls the amount specified and directed in said several warrants to be paid into the city treasury, and shall take the treasurer's receipts therefor, showing the amounts paid for city, schools and special assessment taxes respectively, and file the same with the city clerk, and the city clerk shall charge the amount of all such taxes to the city treasurer; and the collector shall within one week after the time for that purpose specified and directed in said warrants to the county treasurer the sums required in said warrants to be so paid, either in delinquent taxes or in funds then receivable by law, and all lands upon which any unpaid tax shall be returned shall be sold therefor the same as lands returned for delinquent taxes by township treasurers.
Return and sale of lands, etc.	
Delinquent taxes.	SEC. 309. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes and special assessments levied in said city, and be returned as delinquent, to the county treasurer, and the city, in respect to such taxes and as

ments levied therein and returned to the county treasurer as delinquent shall, except as herein otherwise provided, be considered and treated as a township, and all provision of law for the sale of lands for the payment of taxes levied for State, county, and township purposes and returned delinquent shall apply to the return and sale of property for the non-payment of delinquent taxes and special assessments levied in said city, except as herein otherwise provided.

FIRE DEPARTMENT.

SEC. 310. The council of said city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department, to organize and maintain fire companies, to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department and prescribing the powers and duties of such employés, firemen and officers. Establishment and maintenance of.

SEC. 311. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires, and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city, and make all necessary provisions for a convenient supply of water for the use of the department. Fire engines, reservoirs, etc.

SEC. 312. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department. Engine houses, etc.

SEC. 313. The engineer of the fire department shall be the chief of the department and subject to the direction of the mayor, shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe; and the council may appoint such assistant engineers and other officers of the department as may be necessary. Engineer and his duties. Assistant, etc.

SEC. 314. The fire engineer, mayor, chief of police and any alderman or officer of the fire department may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of [the] property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinance of the city. Authority of officers at fires.

SEC. 315. The council may provide by ordinance for the

- Fire wardens and their duties.** appointment of, and may appoint such number of fire wardens may be deemed necessary, and for the examination by them from time to time of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition.
- Fire limits.** SEC. 316. The council may prescribe by ordinance from time to time limits or districts within the city within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing buildings within such districts with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.
- Location of shops, lumber yards, etc.** SEC. 317. The council may also prohibit within such places or districts as they shall deem expedient the location of shops, the prosecution of any trade or business, the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material in open places when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings, and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.
- Storing gunpowder.** SEC. 318. Every building or structure which may be erected, placed, enlarged or kept in violation of any ordinance or regulation made for the prevention of fires is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.
- What buildings declared a nuisance.** SEC. 319. The officers, firemen and employés of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person or property in consequence of the performance of his duty at a fire.
- Compensation of firemen.** SEC. 320. The engineer in charge of the department at a fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed when deemed necessary in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the council within three months after the fire for damages or compensation for such building the council may, in their discretion, pay him such compensation as may be just. They may ascertain such damage by agreement with the owner or by the appraisal of a jury to be selected in the same manner as in case of juries to appraise damages for taking private property for public use, and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which in their opinion was protected or benefited by the destruction of such building; but no damages shall be paid for
- Destroying buildings in case of fire.**
- Compensation for buildings so destroyed.**

the amount of any loss which would probably have occurred to such if it had not been pulled down or destroyed.

MISCELLANEOUS.

SEC. 321. All process against the city shall run against the city in the corporate name thereof, and may be served by leaving a certified copy with the mayor, city clerk or city attorney at least ten days before the day of appearance mentioned therein. .

Service of process.

SEC. 322. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within the city except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a correct survey, plan and map of such grounds and the subdivisions thereof, platted and subdivided as approved by the council and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in any office of register of deeds until a certificate has been endorsed thereon by the city clerk under the seal of the city, showing that such plat and declaration has been approved by the council; nor shall the city by reason of such approval be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance as provided in section one hundred and ninety-two of this act.

Regulations as to laying out and platting additions, etc.

EFFECT OF RE-INCORPORATION.

SEC. 323. All persons heretofore elected or appointed to office in and for the city of Adrian, and now holding such offices, shall continue to hold their respective offices and to perform the duties thereof, for the remainder of the terms for which they were elected or appointed.

Officers to continue in office.

SEC. 324. After the incorporation of the city under and subject to the provisions of this act as aforesaid the government and affairs of the former corporation shall continue and proceed as before, and all its members shall remain in office and exercise their powers and duties as such officers until the city officers and members of the council first elected under the new corporation, or a majority of them shall enter upon the duties of their offices. The passage of this act shall not invalidate any act already done, right accrued or acquired, proceeding had or tax sale made under and by virtue of any law of this State in relation to the city of Adrian or the council thereof, or under and by virtue of any ordinance, by-law, regulation or resolution passed or adopted by the common council of said city; but the same shall be and remain as valid for all purposes as if this act had not been passed, and all proceedings heretofore commenced under and by virtue of any law for the incorporation of said city or under and by virtue

Laws, regulations, etc., to continue.

Proceedings, etc., to remain valid, etc.

	of any ordinance or by-law of said city and now pending or not yet completed shall remain valid and be completed in the same manner and with the same effect as if this act had not been passed; and all bonds, obligations, evidences of debt and indebtedness due or owing to the city of Adrian or to the council thereof may be collected and prosecuted for and enforced by said corporation hereby created by the name of the city of Adrian.
Bonds.	
First election.	SEC. 325. The first election of officers for the new corporation shall be held on the first Monday in April next, and notice thereof and of the officers to be elected thereat, shall be given and the election held and conducted, the votes canvassed, the result determined and notice given to persons elected in the same manner and within the same time as in annual elections of the former city corporation, and by the same persons and officers whose duty it was to perform the like services under the old corporation.
Notice of.	
Manner of conducting.	
Act repealed.	SEC. 326. An act entitled "An act to incorporate the city of Adrian," approved January thirty-one, eighteen hundred and fifty-three, and all the amendments and revisions thereto shall be and are hereby repealed.
By-laws shall remain in force.	SEC. 327. The by-laws and ordinances of said city heretofore in force and not inconsistent with this act shall remain in force after the passage of this act and are hereby declared to be re-enacted by virtue of and under the powers conferred by this act until altered, amended or repealed by the common council. All duties imposed on the city recorder in said ordinances shall become the duties of the city clerk when such officer shall have been elected under this act.
	This act is ordered to take immediate effect. Approved March 8, 1887.

[No. 385.]

AN ACT to authorize school district number seven in the township of Vienna, county of Genesee, to issue bonds and borrow money to purchase a site and to build a school-house.

May issue bonds not to exceed \$6,000.	SECTION 1. <i>The People of the State of Michigan enact</i> , That the district board of school district number seven (?) in the township of Vienna, in the county of Genesee, be and the same is hereby authorized to issue and negotiate the bonds of said district in such sums and for such amounts, not exceeding six thousand dollars, and drawing not exceeding seven per cent annual interest, and payable not exceeding ten years from the date thereof, as such school district shall direct by a vote of two thirds of the qualified electors of said district voting at an annual or special school meeting duly called for that purpose.
Interest.	
When payable.	
If so directed by vote of district electors.	
Money, how to be expended.	SEC. 2. The money that may be borrowed by authority of this act shall be expended in purchasing a site and in building school-house in and for said district and for no other purpose.
	Ordered to take immediate effect. Approved March 9, 1887.

[No. 386.]

AN ACT to authorize the board of supervisors of Antrim county to establish, maintain and operate one or more ferries across Clam river in said county.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Antrim county be and are hereby authorized and empowered at any lawful meeting of said board to locate and establish a public ferry or ferries across Clam river, in said county, and to make provisions for the maintenance and operation of the same in such a manner and subject to such rules, regulations and tolls as they may see fit from time to time to fix and adopt: *Provided*, That none of the powers mentioned in this act shall be exercised unless authorized by a two-thirds vote of the supervisors of said county.

Board of supervisors authorized, etc., to operate ferries.

Proviso.

This act is ordered to take immediate effect.

Approved March 10, 1887.

[No. 387.]

AN ACT to incorporate the village of Gagetown in Tuscola county.

SECTION 1. *The People of the State of Michigan enact*, That all that certain tract or parcel of land lying and being situated in the township of Elmwood, in the county of Tuscola and State of Michigan, known and described as follows: The south half of section one in township fourteen north of range ten east, and the north half of section twelve in town fourteen north of range ten east, containing six hundred and forty acres, according to the government survey, is hereby constituted a village corporate, known and designated as the village of Gagetown.

Territory incorporated.

SEC. 2. The first election of officers in said village shall be held on the third Monday of March in the year of our Lord eighteen hundred and eighty-seven, at G. A. R. hall in said village, and H. C. Lee, Flamboy E. Robertson, and H. A. Gifford shall constitute the board of election which said election shall be held and conducted in all respects, not otherwise provided, as provided in the general law for the incorporation of villages.

First election.

Board of inspectors.

SEC. 3. Messrs. Nathaniel Dann, H. A. Gifford and Frederick Eyre are hereby constituted a board of registration for the purpose of registering the voters for the first election to be held in said village, and said board of registration are hereby required to meet on the Saturday preceding the third Monday of March, eighteen hundred and eighty-seven, to register the names of all persons residents of said village presenting themselves for registration, having the qualifications of voters at annual township meetings.

Board of registration.

When to meet.

SEC. 4. Notice of said first election of officers of said village shall be posted in three of the public places in said village at least

Notice of election.

ten days before the time of said election, which notice may be signed by any five electors in said village.

Governed by
general law.

SEC. 5. The said village of Gagetown in all things not herein otherwise provided shall be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

Election may be
held at other
than time speci-
fied.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in said section two of this act, notice being first given as provided in section four of this act.

This act is ordered to take immediate effect.

Approved March 10, 1887.

[No. 388.]

AN ACT to incorporate the village of Kalkaska in Kalkaska county.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact, That all that territory situate and being in the township of Kalkaska, in the county of Kalkaska and State of Michigan and described as follows, to-wit: The east half and the east half of the west half of section seventeen, the west half of the west half of section sixteen, the north half of the northeast quarter and the northeast quarter of the northwest quarter of section twenty, and the northwest quarter of the northwest quarter of section twenty-one, in township twenty-seven north of range seven west, be and the same is hereby constituted a village corporate to be known as the village of Kalkaska.*

First election.

SEC. 2. The first election of officers of said village shall be held on the third Monday in March, in the year one thousand eight hundred and eighty-seven, at the office of Perkins & Ellis, in said village, notice of which shall be posted in three of the most public places in said village at least ten days before the time of said election, which notice shall be signed by five freeholders in said village.

Notice.

Board of
registration.

SEC. 3. William J. Getty, Alfred G. Drake and James Crawford are hereby constituted a board of registration for the purpose of registering the names of voters for the first election to be held in said village, and said board of registration are hereby required to meet at the office of Perkins & Ellis in said village, on the Saturday preceding the third Monday of March, one thousand eight hundred and eighty-seven, and register all persons presenting themselves for registration and having the qualifications of voters at annual township meetings, notice of which meeting shall be posted in three of the most public places in said village,

Meeting of.

Notice.

s before said meeting and shall be signed by said
ration.

e said village of Kalkaska shall, in all things not
e provided, be governed and its powers and duties
n act entitled "An act granting and defining the
ies of incorporated villages," approved April first,
ight hundred and seventy-five, and the amend-

Governed by
general law.

case the said officers are not elected at the time
ection two of this act, an election for officers may
ime within one year from the time designated in
his act, on notice being given as provided in said

Election may be
held at other
than time des-
ignated.

dered to take immediate effect.
arch 10, 1887.

[No. 389.]

end sections one [1], twelve [12] and thirteen [13]
itled "An act to incorporate the public schools
being act number two hundred and sixty-seven
on laws of the year one thousand eight hun-
nty-five, approved March twelve, one thousand
l and eighty-five.

The People of the State of Michigan enact, That
e, twelve [12] and thirteen [13] of act number
d sixty-seven of the session laws of the year one
hundred and eighty-five, being an act to incor-
c schools of Albion, be and the same are hereby
o read as follows:

Sections
amended.

That all the territory and lands situated in the
bion and Sheridan, in the county of Calhoun and
as school district number one [1], fractional,
ridan and bounded as follows, to wit: Section
section number two [2], section number three
ber twelve [12], north one-half of section num-
southeast quarter of section number eleven [11],
section number ten [10], north half of northeast
n number four [4], northwest quarter of section
e, township of Albion; also section number thirty-
n number thirty-five [35], section number thirty-
alf of east half section number thirty-three [33],
outtheast quarter of section number twenty-five
quarter of the southwest quarter of section
seven [27], and all that part of the west half of
ion number thirty-three [33] that lies south of
in the township of Sheridan shall constitute a
trict to be known and designated as the Public
n, and such district shall have all the powers

Territory
incorporated.

How desig-
nated.

- and privileges conferred upon school districts and union districts by general laws, and hereafter all schools organized therein in pursuance of this act under the direction and regulation of the school boards shall be public and free to all persons actually residing within the limits thereof above the age of twenty years.
- To be free.**
- Board of inspectors to appoint clerk.** SEC. 12. Said board of inspectors shall before opening the polls appoint a suitable person to act as clerk of the election, and said clerk so appointed shall take the constitutional oath of office which oath either of said inspectors may administer. The clerk so appointed shall receive one dollar for his services on said election to be paid by the treasurer of the said board of trustees.
- Ballot box, etc.** SEC. 13. Said board of inspectors shall provide a ballot box at the expense of said district and open the polls at such place within said district as the district board shall designate, give public notice as required by law for the election of two trustees whose term of office shall be for three years and until their successors shall have been elected and qualified. Said polls shall be opened at six o'clock in the afternoon or as soon thereafter as may be on the day of annual school meeting and shall continue open until nine o'clock in the evening.
- Notice of election.** This act is ordered to take immediate effect.
Approved March 15, 1887.

[No. 390.]

AN ACT to amend sections three and four of an act entitled "An act to incorporate the Michigan and Huron Institute," approved April twenty-second, one thousand eight hundred and thirty-three.

- Sections amended.** SECTION 1. *The People of the State of Michigan enact,* sections three and four of an act entitled "An act to incorporate the Michigan and Huron Institute," approved April twenty-second, one thousand eight hundred and thirty-three, be amended so as to read as follows:
- Trustees of Kalamazoo College.** SEC. 3. The said Caleb Eldred, Wm. Meek, Wm. Dunca, H. Comstock, Nathaniel Millard, John Clark, F. P. Brown, Anson Brown, John Booth, B. B. Kercheval, Thomas W. M. John S. Twiss, C. H. Swain, Robert Powell, Stephen Goodrich and C. A. Lamb and their successors in office shall be the trustees of said Kalamazoo College and shall have and exercise the power and franchise herein granted until others be in their stead hereafter provided elected or appointed in their places. Their successors shall by election by ballot supply all vacancies whether caused by death, resignation or other means, and the board of trustees and their successors in office shall annually appoint from their number which shall never exceed thirty-six (36), a chairman who shall preside at the meetings of said
- Vacancies, how filled.**
- Chairman.**

of trustees and give the casting vote in case of equal division, who shall have and exercise all the powers conferred by law on the president of the board of trustees of said college, and who shall be when elected or appointed a member in good standing of a regular Baptist church, a secretary who shall register the proceedings of said meetings, and a treasurer who shall keep the books and funds of said college, subject at all times to the control, inspection and government of said board of trustees. Nine (9) of said trustees shall be a quorum for the transaction of business.

Duties and power of.
Qualification.
Secretary.

SEC. 4. At the first meeting of said board of trustees they shall divide themselves into three classes of one-third of the whole number of each. The term of office of the first class shall terminate at the expiration of the first year. The term of office of the second class shall terminate at the end of the second year. The term of office of the third class shall terminate at the end of the third year, and so that one-third of the number of trustees shall be chosen by said board of trustees annually by ballot: *Provided*, That not less than three-fourths of the trustees chosen each year shall be, when chosen, members in good standing of regular Baptist churches.

Board to be divided into classes.
Term of office.
Provide.

This act is ordered to take immediate effect.

Approved March 15, 1887.

[No. 391.]

AN ACT to amend section two of an act entitled "An act entitled 'An act to amend an act to incorporate the Michigan and Huron Institute,'" being act one hundred and five of the acts of eighteen hundred and thirty-seven, and approved March twenty-first, eighteen hundred and thirty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section two of act number one hundred and five of the session laws of eighteen hundred and thirty-seven, entitled "An act to amend an act entitled 'An act to incorporate the Michigan and Huron Institute,'" approved March twenty-first, eighteen hundred and thirty-seven, be and the same is hereby amended so as to read as follows:

Section amended.

SEC. 2. The trustees shall faithfully apply all funds by them collected or hereafter collected, according to their best judgment, in erecting suitable buildings, in supporting suitable instructors, officers and agents; in procuring books, maps, charts, globes, philosophical, chemical and other instruments and apparatus, necessary to aid in the promotion of sound learning in said institution: *Provided*, That the president or other chief executive of the instructors and faculty of said institution shall be, when appointed by said trustees, a member in good standing of a regular Baptist church.

Funds, how to be applied.
Provide.

This act is ordered to take immediate effect.

Approved March 15, 1887.

[No. 392.]

AN ACT to provide for the laying out of a State road in county.

Commencement
and terminus of
road.

SECTION 1. *The People of the State of Michigan enact*, That a State road shall be laid out and established commencing at north side of the bridge across the Kawkawlin river on the East Sable and Au Sable State road, running thence northwesterly to county line on the west line of section six in township seven north, of range three east, where the Gladwin branch of Michigan Central railroad crosses said section line, to be known as the Kawkawlin and county line State road.

Commission, ap-
pointment of.

SEC. 2. In order to secure the laying out of said State road the Governor shall appoint a commissioner who shall take and subscribe an oath of office and execute a bond with sufficient sureties in the penal sum of five hundred dollars, conditioned for the faithful performance of his duties as such commissioner. Said bond shall be approved by the commissioner of the State land office, and such bond and oath of office shall be filed in the office of said commissioner of the State land office.

Powers and
duties of.

SEC. 3. Said road commissioner shall as soon as may be after his appointment proceed to lay out such road, following the most practicable route between the point of commencement and point of termination before mentioned. Said commissioner may employ all necessary surveyors and other assistants to aid in the performance of his duties.

Idem.

SEC. 4. For the purpose of locating said road, which shall be four rods wide, the said commissioner and his assistants may lawfully and peacefully enter upon the lands of any person or persons which he may deem it necessary to enter upon to determine the route and location of said road, and shall not be liable to action for such entry.

Compensation.

SEC. 5. The said commissioner shall receive three dollars a month for his services, and his account and all other expenses incurred in performing his duties shall be audited and paid by the board of supervisors of Bay county.

This act is ordered to take immediate effect.

Approved March 15, 1887.

[No. 393.]

AN ACT to extend the time for the collection of taxes in the city of Kalamazoo for the year eighteen hundred and eighty-six.

Extension of
time.

SECTION 1. *The People of the State of Michigan enact*, That the time for the collection of taxes in the several wards of the city of Kalamazoo, in the county of Kalamazoo, for the year eighteen hundred and eighty-six be and the same is hereby extended until and including the thirtieth day of March, A. D. eighteen hundred and eighty-seven.

SEC. 2. The city treasurer is hereby authorized and empowered to proceed and collect said taxes as fully as he could in every respect in the life-time of his warrants, and to make return at any time before the first day of April next and said warrants are hereby revived and continued in full force and virtue until the thirty-first day of March next. Authority of treasurer.

SEC. 3. The collection of all taxes heretofore collected upon the tax rolls of said city for the year eighteen hundred and eighty-six shall have all the legal force and effect in every respect as if the same had been collected before the time limited for the collection of the same, in the warrants attached to said rolls, had not expired. Collections legalized.

This act is ordered to take immediate effect.

Approved March 15, 1887.

[No. 394.]

AN ACT to designate and make a certain highway in Bay county a State road to be known as "The South Bay City, Saginaw and Tuscola State Road."

SECTION 1. *The People of the State of Michigan enact*, That a certain road or highway in Bay county now laid out and described as follows: Commencing on the town line between section thirty-three, town fourteen north, of range five east, and section four, town thirteen north, of range five east, at the north and south quarter line, running thence east on town line between town fourteen north, range five east, town fourteen north, range six east, and town thirteen north, range five east, town thirteen north, range six east, to section line between sections five and six, town thirteen north, range six east, thence south on section line between sections five and six, seven and eight, seventeen and eighteen, nineteen and twenty, twenty-nine and thirty, thirty-one and thirty-two, town thirteen north, range six east, to the county line between Bay county and Saginaw county; also commencing on the section line between sections eighteen and nineteen, town thirteen north, range six east, where said section line intersects the Tuscola plank road, running thence east on section line between sections eighteen and nineteen, seventeen and twenty, sixteen and twenty-one, fifteen and twenty-two, fourteen and twenty-three, thirteen and twenty-four, town thirteen north, range six east, to the county line between Bay and Tuscola counties, be and the same is hereby designated and made a State road to be known as the South Bay City, Saginaw and Tuscola State road. Commencement and terminus of road.

How designated.

This act is ordered to take immediate effect.

Approved March 15, 1887.

[No. 395.]

AN ACT to amend section fifty-eight of act number two hundred and fifteen of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Greenville," approved March tenth, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-eight of act number two hundred and fifteen of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Greenville," approved March tenth, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof, be and the same is hereby amended so as to read as follows:

Additional powers of common council relative to finances, etc.

SEC. 58. The common council in addition to the powers and duties specially conferred upon them in this act shall have the management and control of the finances, rights and interests in buildings and all property, real and personal, belonging to said city, and may make such orders, by-laws and ordinances relating to the same as they shall deem proper and necessary, and further that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city for the following purposes:

Vice, etc.

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of said city, to prevent and quell riots, disturbances, disorderly conduct and assaults, and to provide that the proprietors or lessees of public halls in said city shall keep a sufficient police force to preserve order at all exhibitions, dances and performances for money in their halls;

Gaming places, etc.

Second, To restrain and prevent disorderly and gaming places, houses of ill-fame and to restrain bowling alleys, saloons and restaurants;

Liquors, etc.

Third, To forbid and prevent the giving of, or selling of, intoxicating liquors to any minor, apprentice or drunkard;

Sports, exhibitions, etc.

Fourth, To prohibit, restrain, regulate, license and tax sports, exhibitions of natural and artificial curiosities, carriages of animals, theatrical exhibitions, circuses, lectures delivered for money not before a college or organized literary society, or other performances and exhibitions for money;

Auctions, etc.

Fifth, To prohibit and restrain peddlers, foot peddlers, hawkers, ten pin alleys, billiard tables, auctioneers and the sale of all goods, wares and personal property at auction, except in cases of property authorized by law;

Nuisances, etc.

Sixth, To abate or remove nuisances of every kind and to compel the owner or occupant of every grocery, tallow chandler's shop, butcher's stall, meat market, soap factory, tannery, cellars, store rooms where hides, furs, pelts or tallow are stowed, stable, privy, hog-pen, sewer or other offensive or unwholesome house

place, to cleanse, remove or abate the same from time to time as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said city;

Seventh, To prohibit, restrain and regulate the driving of horses, oxen and mules, hogs, sheep and cattle upon the sidewalks of said city and the sliding, skating, hauling of carts and sleds and wheeling of wheelbarrows on said sidewalks; Driving on sidewalks, etc.

Eighth, To direct the location of all slaughter houses, markets and buildings for storing gunpowder, oils and other combustible substances; Location of markets, etc.

Ninth, To prohibit, restrain and regulate the sale of carbon oil and oils, and illuminating materials that are found to be below the standard required to prevent their being dangerous and explosive when used in lamps and burners; Explosive oils, etc.

Tenth, To prohibit, regulate and restrain the laying of gas pipes and gas mains; Gas pipes, etc.

Eleventh, Concerning the lighting of streets and alleys and the protection and safety of public lamps; Lighting streets.

Twelfth, Concerning the buying, carrying, selling and using gunpowder, fire-crackers and fire-works manufactured or prepared therefrom or other combustible materials and the exhibition of fire-works and the discharge of fire-arms and the lights in barns, stables and other buildings, and to restrain the making of bonfires in streets and yards; Gun-powder, etc.

Thirteenth, To prevent the incumbering of streets, sidewalks, cross-walks, gutters, squares, parks, lanes, alleys, bridges in any manner whatsoever; Encumbering streets.

Fourteenth, To prevent and punish horse-racing and immoderate driving or riding in any street or over any bridge, and to authorize the stopping and arrest of any person who shall be guilty of immoderate driving or riding in any street or over such bridge; Immoderate driving.

Fifteenth, To prohibit and regulate the bathing in any of the lakes, ponds, or races within said city; Bathing.

Sixteenth, To restrain and punish drunkards, vagrants, mendicants, street beggars, disorderly persons and persons found drunk in the street; Drunkards.

Seventeenth, To establish and regulate one or more pounds, and restrain and regulate the running at large of horses, cattle, swine and other animals, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding; Pounds, etc.

Eighteenth, To prohibit any person from bringing or depositing any dead carcass, or any unwholesome or offensive substance within the limits of said city and to require the removal or destruction thereof; if any person or persons shall have on his or her or their premises such substances or any putrid meats, fish, hides or skins, and on his or her or their refusal to remove the same forthwith, to authorize the removal and destruction thereof by said officers of said city; Unwholesome and offensive substances.

Resisting of officers.	<i>Nineteenth</i> , To prevent and punish the resisting and obstructing of any officer in the discharge of his duties;
Dogs.	<i>Twentieth</i> , To prevent and regulate the running at large of dogs;
Clearing of side-walks.	<i>Twenty-first</i> , To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, wood or obstruction of any kind;
Ringling of bells, etc.	<i>Twenty-second</i> , To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise and to prevent disorderly noises and obscene and improper language in the streets;
Traveling physicians.	<i>Twenty-third</i> , To license all traveling physicians who may visit said city for the purpose of practicing their professions for money;
Proviso.	<i>Provided</i> , That this section shall not include any physician from abroad who may have been called to said city to consult with a resident physician;
Building and fence lines.	<i>Twenty-fourth</i> , To regulate and establish the line upon which fences and buildings may be erected upon any street, lane or alley in said city and to compel such fences or buildings to be erected upon such line by fine upon the owner or building thereof, not to exceed five hundred dollars;
Burials.	<i>Twenty-fifth</i> , To regulate the burial of dead and to compel the keeping of bills of mortality;
Markets.	<i>Twenty-sixth</i> , To establish, order and regulate the markets and regulate the vending of wood, meat, vegetables, fruits and provisions of all kinds and time and place for selling the same;
Proviso.	<i>Provided</i> , That nothing herein contained shall prevent the selling of fish, and wholesome meat by the quarter within the limits of said city;
Water.	<i>Twenty-seventh</i> , To establish, regulate and preserve public wells, reservoirs and pumps and to prevent the waste of water;
Appointed officers.	<i>Twenty-eighth</i> , To prescribe the term of office and the duties of all officers appointed by said common council and their compensation, and the penalty or penalties for failing to perform said duties and to prescribe the bonds and the number of sureties to be given by the officers of the city for the discharge of their duties and the time for making the same in cases not otherwise prescribed by law or by this act. To prescribe and regulate the stands for carts and carters, drays and draymen, and the stands for wood, hay and produce exposed for sale in said city and to prescribe and regulate the weighing of hay and measuring of fire-wood by the persons appointed by the common council for that purpose;
Streets, etc.	<i>Twenty-ninth</i> , To ascertain, establish and settle the boundaries of all streets, lanes and alleys and public places in said city and to remove all encroachments thereon;
Awnings, etc.	<i>Thirtieth</i> , To regulate the setting of awning and other projections and trees in the streets, lanes, alleys and public places in said city; to construct and repair sewers, drains and bridges.
Sewers, etc.	

FIRES AND FIRE DEPARTMENT.

st, To make all such by-laws and ordinances as shall **Fires.**
 y to secure said city and the inhabitants thereof against
 fires and thieves, robbers and burglars at fires, to
 owners or occupiers of buildings to procure and keep
 s such a number of fire buckets as they may direct.
 also have power to prohibit, forbid and prevent the **Fire limits.**
 a or erection within such parts, streets or districts of
 in their opinion the public safety may require, any
 frame house, store, shop or other building, and prohibit
 the removing of wooden or frame buildings from any
 city to any place or lot within said limits and rebuild-
 airing the same, and also to regulate the construction
 ills, chimneys, fireplaces and the putting up of stoves,
 furnaces, grates and other things that may be danger-
 ng or promoting fires; to prohibit the burning out of **Chimneys.**
 order to clean the same; to compel and regulate the **Fire wardens.**
 the same; to appoint fire wardens to enter into all the
 discover whether the same are in a dangerous state,
 e all such as are in a dangerous state to be put in a
 on, and also to regulate the construction of all black-
 s, cooper shops, carpenter shops, planing establish-
 eries and all buildings and establishments usually
 extra hazardous in respect to fires; to establish and **Fire companies.**
 h hand fire-engine companies, hose companies, hook
 companies, steam fire-engine companies and bucket
 s they may deem necessary and to provide such proper
 engines, reservoirs, equipments and implements as they
 necessary, or they may establish and construct such **Water works.**
 , buildings and machinery to supply the city with
 or the protection thereof from fire as they may deem
 To accomplish the foregoing provisions for furnishing
 he protection of the city from fire they are hereby
 to borrow money and to issue bonds of the city there-
 sums and for such amounts as they may deem neces-
 eeding fifty thousand dollars at a rate of interest not
 even per cent per annum and payable in not more than
 from the date thereof: *Provided however,* That said **Proviso.**
 not be issued payable and due in any one year an
 eeding five thousand dollars exclusive of interest:
 so, That no more than five thousand dollars of said **Further**
 be issued without a majority of the electors voting at **proviso.**
 annual election duly called, due notice of which shall
 all, voting by ballot, thus determine. The said common **Levying taxes,**
 hereby authorized in addition to the powers conferred **etc.**
 irty-nine of the act to which this amendatory to levy
 such amount of taxes yearly on the real and personal
 said city of Greenville as shall become due and pay-
 of the aforesaid bonds, both principal and interest. If **Acquiring title**
 ruption and maintenance of said works it becomes nec- **to property.**

Firemen excused from certain duties.	essary to use the grounds or property of private owners, either within or without the limits of the city, the common council are hereby authorized to institute such proceedings as are provided for in sections twenty-eight and twenty-nine of the act to which this is amendatory for the acquirement and condemnation of lands for roads, streets and other public grounds. The members of the fire department of said city shall be excused from the payment of poll tax in said city, shall be excused from all duty in the militia in time of peace and also from serving on any jury in any of the courts of the county of Montcalm; and upon the breaking out of such fire the chief engineer and his assistants, the marshal and constables of said city may require the assistance of by-standers to aid and assist such companies in extinguishing the fire or fires, to prevent any goods or property from being stolen or injured and in protecting, conveying and securing the same; and in case any by-stander shall wilfully refuse or neglect to comply with such requirements he shall be punished in the manner provided by the by-laws and ordinances of said common council, who are hereby authorized to pass such by-laws and ordinances in relation thereto as they may deem necessary;
Duty of officers at fires.	<i>Thirty-second,</i> To regulate the salaries, the amount of bonds to be given and the sureties of the clerk, marshal and treasurer;
Salaries of.	<i>Thirty-third,</i> To provide for and designate a place in said city for the temporary confinement of persons charged with crimes or misdemeanors while awaiting trial or examination;
City jail.	<i>Thirty-fourth,</i> To vacate the cemetery in said city known as the "old burying ground" in the western part of said city on Washington street, and bounded on the north and east by Bertridg's addition to said Greenville, on the west by Macomber and Jefferd's addition and on the south by said Washington street, and remove or cause to be removed the bodies therein buried to the "Forest Home Cemetery" near said city, except as in such cases as the friends of persons buried in said old burying ground shall elect to remove such bodies to some other place without expense to said city: <i>Provided,</i> That before any body shall be removed the said city shall file such record evidence of perpetual right of burial of the lot where the re-interment is proposed to be made, as the rules of the city governing the "Forest Home Cemetery" require, to fully secure the right.
Vacating old burying ground.	This act is ordered to take immediate effect.
Removal of bodies.	Approved March 15, 1887.
Proviso.	

[No. 396.]

AN ACT to amend sections one, two, three and six of act number two hundred and seventy-eight of the local acts of the session laws of the State of Michigan for eighteen hundred and eighty-three, also to amend section four of said act as amended by act number three hundred and fifty of the local acts of the session laws of the State of Michigan for eighteen hundred and eighty-five, relative to stone roads in Bay county.

SECTION 1. *The People of the State of Michigan enact,* That sections one, two, three and six of act number two hundred and seventy-eight, local acts of the State of Michigan for eighteen hundred and eighty-three, also section four of said act as amended by act number three hundred and fifty of the local acts of the State of Michigan for eighteen hundred and eighty-five, relative to stone roads in Bay county be and the same are hereby amended so as to read as follows:

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That those portions of the Cass river and Bay City State road, the Port Huron, Bay City and Lansing State road, and the East Saginaw and Au Sable State road, which are situated within the county of Bay and not in the limits of Bay City or West Bay City, shall continue to be known and denominated as State roads, and the board of supervisors of the county of Bay, when thereto authorized by the vote of the electors of said county, may raise and expend money to macadamize, gravel or otherwise improve the said State roads and for the maintenance thereof, the provisions of this section shall apply to and govern all other State roads now or hereafter to be designated as State roads within Bay county, and the action of said board of supervisors heretofore had in issuing bonds and raising money for repairing and the improvement of State roads is hereby ratified and declared valid.

Certain roads to continue to be known as State roads.

How they may be improved, etc.

Action declared valid.

SEC. 2. In order to provide for the care, preservation and extension of such roads, the cities of Bay City and West Bay City and the townships of Monitor, Williams, Frankenlust, Bangor, Kawkawlin, Hampton, Beaver, Merritt, Portsmouth, Pinconning, except township eighteen north of three east, Garfield and Fraser in said county of Bay are hereby declared to be a stone road district.

Stone road district.

SEC. 3. At the next meeting of the board of supervisors of Bay county five stone road commissioners shall be elected by said board who shall hold office as follows: One for one year, one for two years, one for three years, one for four years and one for five years; and each shall hold his office until his successor is elected and qualified, and each year thereafter one of such commissioners shall be appointed who shall hold his office for five years. Said commissioners shall give bonds in such sum as shall be fixed by said board and with such sureties as shall be approved by said board, conditioned for the faithful performance of the duties of their respective offices: *Provided*, that the persons eligible as such commissioners shall be electors of said stone road district: *And provided further*, that no person holding the office of supervisor of such county or any county office in said county shall be capable of holding the office of such stone road commissioner, and three of said commissioners shall reside east of the Saginaw river in said county and two of said commissioners shall reside on the west side of said river: *Provided further*, That if any person so elected fails to file the oath of office and give the bond above required within ten days after such election or if any vacancy occurs in the office of such

Stone road commissioners to be elected.

Bonds of commissioners.

Proviso.

Further proviso.

Idem.

commissioner in any way, the board of supervisors may at any time fill such vacancy.

Powers and
duties of board
of State road
commissioners.

Limit of tax.

Duty of
supervisors.

Levy and col-
lection of tax.

Proviso.

Moneys, by
whom expend-
ed.

Proviso.

Moneys, how
expended.

Further duties
of commission-
ers.

SEC. 4. Said commissioners shall have exclusive care and charge of the stone roads constructed by said county and when assembled together shall be known as the board of stone road commissioners. In the month of June of each year said board of commissioners shall meet at the office of the county clerk of Bay county and shall then and there determine the amount of tax to be raised for such year in such stone road district, but not exceeding two mills on the dollar according to the valuation of the various assessment rolls of the preceding year, and shall cause such determination to be recorded in their records, and at the annual meeting of the board of supervisors in October the clerk shall lay such determination before such board of supervisors and such board shall thereupon direct the levy of the same in the various towns and cities aforesaid, in said district, and the supervisor and other assessing officers shall levy the tax so apportioned in their respective towns and on the cities aforesaid, and the money shall be collected and paid over to the county treasurer in the same manner as county taxes and the county treasurer shall keep a separate account of such moneys: *Provided*, That after the first day of June, eighteen hundred and ninety-two, not exceeding one-half of one mill on the dollar according to the assessed valuation aforesaid shall be raised in any one year under the provisions of this act. All moneys raised under the provisions of this act shall be expended by such commissioners for the benefit of all the State roads hereinbefore enumerated or that may be hereafter designated State roads by the State legislature or the board of supervisors of Bay county, for the purpose of maintaining, constructing and extending the same, in such proportions as may be determined by the board of supervisors of Bay county: *Also Provided*, That not less than one mile of stone road shall be constructed in each year for the next three years on the south Bay City, Saginaw and Tuscola State road.

SEC. 6. The money raised under the provisions of this act shall be exclusively applied to the repair, care of and extension of the various stone roads now in process of construction by the board of supervisors of Bay county and to the construction, repair, care of and extension of any stone roads that may be hereafter constructed by the board of supervisors of Bay county. Said commissioners shall maintain and keep the said stone roads in repair and may extend the same, and for that purpose may employ such agents, assistants and laborers as may be necessary. Said commissioners shall be incapable of incurring any indebtedness and shall only be authorized to disburse the funds actually collected after they shall have been received into the county treasury. Each year at the annual session of the board of supervisors in October said commissioners shall make a full and detailed report of their proceedings during the current year, setting forth a statement of all moneys received and disbursed and for and on what account the same has been disbursed, which report

shall be signed by such commissioners or by a majority thereof. The board of supervisors may at any time call upon said commissioners to make such report, and when so required it shall be the duty of said commissioners forthwith to make and return the same to the board of supervisors. Said commissioners shall not be pecuniarily interested directly or indirectly in any contract made with reference to said roads or in any work done thereon or materials provided therefor: *Provided*, That this act shall not apply to that part of the Bay City, Port Huron and Clinton road lying and being in town fourteen north, of range five east, east of the Saginaw river.

Report of commissioners.

Commissioners not to be interested in contracts.

Proviso.

This act is ordered to take immediate effect.

Approved March 16, 1887.

[No. 397.]

AN ACT to authorize the city of East Saginaw to borrow money for the construction and extension of certain main sewers.

SECTION 1. *The People of the State of Michigan enact*, That the city of East Saginaw by its common council be and it is hereby authorized to borrow a sum of money not exceeding seventy-five thousand dollars in addition to the several sums already authorized by its charter, and for that purpose to issue and dispose of the bonds of said city to an amount not exceeding said sum, in the same manner as now provided for the issuance and sale of sewer bonds by section eight of title ten of the revised charter of said city, and to make use of the proceeds of all said bonds for the purpose only of constructing or aiding in the construction of the following main sewers in the streets of said city, viz.: On William street from Saginaw river to Janes street; on Janes street from Genesee avenue to Twelfth street; on Park street from William street to Phelon street; on Fifth street from Janes street to Walnut street; from Saginaw river to Jefferson street, by way of Saginaw, King, Eaton, Thatcher and Highland streets, or such more direct route as change in the present sewage plans of said city may secure; on Kirk street from Third street to Eighth street; on Hess street from Lytle street to Jefferson street; on Brewster street from Wells street to Maple street: *Provided*, That the question of borrowing said sum and of issuing said bonds for the purpose aforesaid shall be first submitted to and approved by the electors of the city of East Saginaw as hereinafter required.

Authorized to borrow \$75,000.

Bonds, how issued.

Proceeds, how used.

Sewers described.

Proviso.

SEC. 2. The question of borrowing said sum of seventy-five thousand dollars and of issuing the bonds of said city therefor shall be submitted to the electors of said city of East Saginaw at the annual charter election of said city to be held the first Monday of April, one thousand eight hundred and eighty-seven. Those who favor the borrowing of said sum and issuance of said bonds shall vote a ballot with the words written or printed

Question of borrowing money to be submitted to electors, etc.

Ballot.

Election, how
conducted, etc.

Council to issue
bonds.

thereon: "Sewer loan—Yes," and those opposed thereto shall vote a ballot with the words written or printed thereon: "Sewer loan—No." Such ballots shall be cast, canvassed, and the result thereof certified to in the same manner as is provided by the charter of said city respecting ballots cast for the officers of said city. If a majority of such ballots so cast shall be in favor of the borrowing of said money and the issuance of said bonds the common council shall be authorized to make and issue said bonds in such sums and at such times and running for such period as may be deemed necessary for the construction of said several main sewers hereinbefore specified, and the proceeds shall not be used for any other purpose whatever.

This act is ordered to take immediate effect.

Approved March 16, 1887.

[No. 398.]

AN ACT to authorize the common council of the village of Lowell to raise money to pay the indebtedness of said village on judgment against it.

Authorized to
borrow money
and issue bonds.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the village of Lowell in the county of Kent in this State shall be and hereby is authorized and empowered to borrow money on the faith and credit of said village and issue bonds therefor to an amount not exceeding five thousand dollars, to be expended in the payment of a certain judgment heretofore rendered against said village in a cause wherein Eliza Young was plaintiff and the said common council of the village of Lowell was defendant, with the costs and interest on the same.

Amount of, and
rate of interest.

SEC. 2. Such bonds may be issued in such sums not exceeding the amount hereinbefore limited and payable at such times, with such rates of interest not exceeding seven per cent per annum, as the said common council may direct, and shall be signed by the president of said village and countersigned by the recorder of said village; or instead thereof they may be signed and countersigned by such officer or officers as the said common council by resolution spread upon its minutes may appoint; and shall be negotiated under and by the direction of said common council, and the money arising therefrom shall be appropriated for the payment of the judgment aforesaid and the interest and costs thereto appertaining or any balance that may remain due thereon.

Money, how
appropriated.

Tax to pay
bonds.

And the said common council shall have power and it shall be its duty to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due, without regard to the limitation of taxation mentioned in the charter of said village.

This act is ordered to take immediate effect.

Approved March 16, 1887.

[No. 399.]

incorporate the village of Port Austin in Huron county and State of Michigan.

The People of the State of Michigan enact, That the described territory, to wit: The west five-eighths east half of section twenty-nine [29], fractional section the north half of the north half of section thirty-one northwest quarter of the northwest quarter of section [32], all in township nineteen [19] north, of range east in the township of Port Austin, county of Huron Michigan, be and the same is hereby constituted a village to be known as the village of Port Austin.

The first election of officers of said village shall be held at the town hall in said township of Port Austin on the first day of April, in the year eighteen hundred and eighty-seven, due notice of which shall be given by a board of trustees hereinafter appointed by posting notices in three public places in said village ten days before said election and by a copy of said notice to be published in "The Huronian" and "The Port Austin Post," newspapers printed and published in said village, at least two weeks before said

John Brett, Joseph Fremont and John Buttars are appointed a board of registration for the purpose of registering voters for the first election to be held in said village; said board of registration shall meet on the Saturday next to the said day of election at the town hall in said village of Port Austin and remain in session the same hours required of the board of registration at general elections and register the names of persons residing in said village presenting themselves for registration and having the qualifications of voters at the annual election. Due notice of such registration shall be made by posting notices thereof in three public places in said village ten days previous to said meeting for registration and a copy of said notice in said newspapers two weeks before the first meeting of said board of registration.

The council shall have supervision and control of all streets, ways, bridges, streets, avenues, alleys, sidewalks and public grounds within the village and shall have like authority as is given by the general laws of the State.

The costs and expenses of any improvement which shall be levied by special assessment shall include the costs of such improvements, assessments and costs of construction. In no case shall the amount to be levied by special assessment upon any lot or land exceed ten per cent of the value of said lot or land as valued and assessed for State taxation in the last preceding tax roll. Any costs not paid at per cent which would otherwise be chargeable on

Territory incorporated.

First election.

Notice of.

Board of registration.

Meeting of board.

Notice of registration.

Power of council relative to streets, etc.

Costs of improvements, what to include.

Limits of special assessment.

Certain costs paid from general fund of village.

	said lot or premises shall be paid from the general funds of the village.
Power of council to raise funds by tax, limited.	SEC. 6. The council shall have authority to raise by general tax upon all the real and personal property liable to taxation in said village, including taxes for highway and street purposes and all other purposes except poll tax and an interest and sinking fund, such sum not exceeding in any one year two thousand [2,000] dollars, as they shall deem necessary, for the purpose of defraying the general expenses and liabilities of the corporation and to carry into effect the powers granted in an act granting and defining the powers and duties of incorporated villages, approved April first, eighteen hundred and seventy-five, and acts amendatory thereto. The money so raised shall constitute a general fund and shall be distributed by the council for such purposes and in such sums as they may deem necessary.
General fund.	
Greater amount than above provided for, how raised.	SEC. 7. Should any greater amount be required in any year for the purchase of grounds for erecting public buildings or for other necessary corporate purposes than can be raised by the council under the foregoing provisions of this act, such money may be raised by tax or loan or partly by tax and partly by loan if authorized by at least a two-thirds [$\frac{2}{3}$] vote of the electors voting upon the question at an annual or special village election in the manner provided by an act granting and defining the powers and duties of incorporated villages approved April first, eighteen hundred and seventy-five. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two thousand [2,000] dollars.
Limit.	
Purposes for which money may be borrowed, etc.	SEC. 8. The council may borrow money at a rate of interest not exceeding eight per cent per annum and issue the bonds of the village therefor signed by the president and clerk, for the purpose of erecting a town hall, a station house or engine house, purchasing a fire engine and fire apparatus, putting in water works, purchasing cemetery or for any other corporate purposes. But no money shall be borrowed for a longer period than ten years nor shall the sum of any and all indebtedness for money thus borrowed by the council ever exceed the sum of eight thousand [8,000] dollars; nor shall the council ever borrow money for purpose not before specified, nor unless the question of making such loan shall be submitted to and authorized by the electors of said village at some annual or special election called for that purpose in the same manner as other special elections. And before any such loan shall be authorized by a vote of the electors of said village printed notices shall be posted by the clerk in at least five of the most public places in said village for a period of not less than ten [10] days before such election, specifying the object and objects for which money is proposed to be borrowed, and the council shall by ordinance or resolution provide the manner of voting upon the question of borrowing money. Not more than one-tenth [1-10] of the sum borrowed shall be levied or collected in any one year as a special tax for the purpose of paying such bonds or liquidating such indebtedness.
Limit of time. Amount and purpose.	
Notice of election.	
What to specify.	
Manner of voting, etc.	

SEC. 9. No tax shall be assessed or levied or moneys raised or borrowed in any other manner than that provided in this act.

Manner of assessing tax and borrowing moneys. Governed by general law.

SEC. 10. The said village of Port Austin shall in all things not herein otherwise provided be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

SEC. 11. In case said officers are not elected at the time designated in section two [2] of this act an election for officers may be held at any time within one year from the time designated in said section two [2] on notice being given as required herein.

Election may be held at other than time designated.

This act is ordered to take immediate effect.

Approved March 16, 1887.

[No. 400.]

AN ACT to create a board of fire commissioners in the city of Bay City and to define and regulate the powers, duties and compensation thereof.

SECTION 1. *The People of the State of Michigan enact*, That all the powers and duties connected and incident to the government of the fire department of the city of Bay City shall be as hereinafter more especially provided, vested in and exercised by a board composed of five [5] commissioners, who shall be known as the board of fire commissioners of the city, a majority of whom shall constitute a quorum for the transaction of business.

Board created.

SEC. 2. The said commissioners shall be appointed by a majority vote of the common council upon the nomination of the mayor, and the commissioners to first compose said board shall be nominated and appointed and their terms of office shall be as follows, dating from this [their] appointment: One commissioner for one year, one commissioner for two years, one commissioner for three years, one commissioner for four years and one commissioner for five years; and annually thereafter one commissioner shall be appointed who shall hold his office for five years and until his successor shall be appointed and qualified: *Provided*, That all vacancies in said office of fire commissioner shall be filled by appointments as aforesaid, and a commissioner appointed to fill vacancy shall hold his office for the remainder of the term and until his successor shall be appointed and qualified.

To be nominated by mayor, appointed by council.

Terms of office.

Proviso relative to vacancies.

SEC. 3. The commission hereby created is hereby empowered and directed to possess and exercise full and exclusive power, control and discretion for the government, management and direction of all officers, men, measures and actions for the prevention and extinguishment of fires within the said city, also the several buildings, premises and property and appurtenances thereto, and all apparatus, hose, implements and tools of any and all kinds which at the time of the appointment of the commissioners aforesaid shall be under the charge and control of any and

Power and duty of board.

	all city officer or officers of the fire department in said city the use and benefit of the fire department of the city of City, and it shall be the duty of any and all persons in possession of any property, real or personal, belonging to or set apart or in use by or for the fire department of said city, to deliver same to the possession and control of the said commission: <i>Provided</i> , That this act shall except all that property consisting engines, engine house, hydrants, water pipes and mains, and appliances which are at present controlled and operated by board known as the board of water works of Bay City.
Proviso.	
When office considered vacated.	SEC. 4. Any one of said commissioners shall be considered vacating his term of office in the event of his accepting or holding any political office, and any commissioner who shall during term of his office be publicly nominated for any office elective of the people, and shall not decline the said nomination within ten days succeeding notice of the same, shall in either case be deemed to have vacated his office.
Members of board, how removed.	SEC. 5. Any member of said board of commissioners may at any time be removed by a majority vote of the members elect of the common council of said city for sufficient cause and the proceedings in that behalf shall be entered in [on] the journal: <i>Provided</i> , That the said common council shall previously cause a certificate of the charges preferred against such member sought to be removed and notice of the time and place of hearing the same to be served on him ten days, at least, previous to the time assigned and opportunities be given him to make his defense personally or by counsel.
Proviso.	
Oath.	SEC. 6. Immediately after their appointment such commissioners shall take, subscribe and file with the recorder the oath of office provided for [the] city officers and also execute and file a bond of one thousand dollars each [\$1,000 each (one thousand dollars each) and the recorder shall give to each a certificate of appointment for the respective terms of office aforesaid.
Bond.	
Board, how organized.	SEC. 7. Said commissioners, on being qualified, after the expiration of their appointment hereunder and annually thereafter within ten days subsequent to [the] appointment and qualification of each commissioner for full term, shall meet and organize by electing one of the said commissioners to be president of said board, whereupon they shall possess and have the power and authority conferred upon or possessed by any and all persons in the city of Bay City for the prevention and extinguishment of fires, and the exclusion of all other persons, together with such powers and duties in the city as are hereinafter conferred.
Meeting of board.	SEC. 8. Said commissioners shall meet in the fire department headquarters building in said city at least once in each month for the transaction of the business of said board as shall be necessary. They shall have the power to select a chief who shall act as secretary of the board and one or more assistant engineers together with captains, lieutenants, drivers, pipemen, firemen and such other officers as may be necessary for the efficient working of said department and who shall be retained as such during
Power to select chief, etc.	

competency and efficiency in the performance of their respective duties and to fix their salaries: *Provided*, That the number of men to each hose cart, fire engine or hook and ladder company shall not exceed seven, who shall discharge such duties as may be designated, and be at all times under the control of and subject to removal by said commissioners. Provide.

SEC. 9. The aforesaid officers and men, with their apparatus of all kinds, when on duty shall have the right of way going to and at any fire or in any highway, street or avenue, over any and all vehicles of any kind, except those carrying the United States mail; and any person in charge or control of any vehicle who shall refuse the right of way to or in any way obstruct any fire apparatus or any of said officers or employés, while in the performance of duty, shall be guilty of a misdemeanor and be liable to punishment for the same. Right of way going to fires, etc.

SEC. 10. The said board shall, by and with the consent of the common council, make all necessary repairs of houses, engines, hose carts or other apparatus belonging to the department, to purchase all necessary supplies, etc., for the maintenance and running of the department, and no member of said board or other [officer or] employé of the department shall have power to incur any liability on account of said board unless expressly authorized to do so by the common council: *Provided*, That said commissioners shall be empowered to make necessary purchases and repairs to apparatus to an amount not exceeding the sum of [\$100] one hundred dollars in any interval between the regular meetings of said common council. All bills for the same shall [to] be audited by the common council and paid on the order of the recorder and countersigned by the comptroller of said city. Repairs, supplies, etc.

SEC. 11. On or before the [20th] twentieth day of July in each year, or as soon thereafter as the comptroller shall have completed the assessment roll for said year, the common council shall by resolution direct the amount of money to be raised by tax in said city for the current year's expenses of the fire department of Bay City, not exceeding the amount the said common council is authorized by section [25] twenty-five to raise for such purposes, and in like manner on or before said [20th] twentieth day of July it shall be the duty of the commissioners to prepare and submit to the common council an estimate of the whole cost and expense of providing for and maintaining the fire department of said city for the current year, which estimate shall be in detail, specifying the objects of expenditures, the sums desired for each and the reasons for the same, and the common council may direct the same to be assessed on the city tax roll as a part of the city tax for the current year, and may cut down and diminish, but shall not add to or increase the same. Cost and expense of fire department.

SEC. 12. Said commissioners shall receive no compensation whatever for their services, but said commissioners and all persons employed by them as firemen shall be exempt from military or jury duty while so employed. Limit.

SEC. 13. Said board shall have power to adopt such rules Common council may direct assessment, etc.

SEC. 12. Said commissioners shall receive no compensation whatever for their services, but said commissioners and all persons employed by them as firemen shall be exempt from military or jury duty while so employed. Compensation of commissioners.

Power of board
to adopt rules,
etc.

and regulations for the government of the fire department created by this act, and the members and employes thereof, as they shall deem fit and proper, not inconsistent with the laws of this State, and the violation of such rules and regulations shall be sufficient and good cause for dismissal from the said department.

Board to report
to council.

SEC. 14. The board of commissioners shall on the [2] twenty-second day of March in each year report in writing the condition of the fire department within the said city to the common council, together with a list of fires, alarms, losses and insurance on all property destroyed during the year.

Books of board
to be subject to
inspection.

SEC. 15. The books and accounts kept by said board shall at all times be subject to the inspection of the mayor and common council, and the common council may, at any time, require any information respecting the same the disclosure of which will impair the usefulness and efficiency of the fire department.

Acts repealed.

SEC. 16. All acts and parts of acts contravening the provisions of this act are hereby repealed, but such repeal shall not have effect until the actual organization of the commission here created.

This act is ordered to take immediate effect.

Approved March 16, 1887.

[No. 401.]

AN ACT to amend section two of an act entitled "An act to incorporate the Baptist convention of the State of Michigan," approved February sixteen, in the year of our Lord one thousand eight hundred and forty-two.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, that section two of "An act to incorporate the Baptist convention of the State of Michigan," approved February sixteen, in the year of our Lord eighteen hundred and forty-two, be and the same is hereby amended so as to read as follows:

Convention to
be composed of
whom.

SEC. 2. The convention shall be composed of those who are now life members, and of delegates appointed by the several Baptist churches and associations in this State. The convention by-laws may limit the number of delegates to which each church and association shall be entitled.

This act is ordered to take immediate effect.

Approved March 18, 1887.

[No. 402.]

AN ACT to amend act number three hundred and eleven of the local acts of eighteen hundred and eighty-three, entitled "An act to repeal act number two hundred and fifty-nine of the session laws of eighteen hundred and seventy-one, entitled 'An act to incorporate the village of Williamston,' and to re-incorporate

the village of Williamston under the general laws," approved May twenty-four, eighteen hundred and eighty-three, by adding a new section thereto to stand as section eight.

SECTION 1. *The People of the State of Michigan enact, That* Act amended.
 act number three hundred and eleven of the local acts of eighteen hundred and eighty-three, entitled "An act to repeal act number two hundred and fifty-nine of the session laws of eighteen hundred and seventy-one, entitled 'An act to incorporate the village of Williamston,' and to re-incorporate the village of Williamston under the general law," approved May twenty-four, eighteen hundred and eighty-three, be amended by adding a new section thereto to stand as section eight and read as follows:

SEC. 8. The president of said village, in addition to the powers and duties conferred upon him by said general law for the corporation of villages, shall be *ex officio* a member of the board of supervisors of the county of Ingham, and he shall attend all the meetings of said board and be entitled to vote upon all matters that may be brought before the board of supervisors; and for attending all such meetings he shall receive the same compensation authorized by law to be paid to supervisors of townships for similar services, to be audited by the board and paid by the county. Additional powers and duties of president. Compensation for attending meeting of supervisors.

This act is ordered to take immediate effect.

Approved March 18, 1887.

[No. 403.]

AN ACT to organize the township of Cedar in the county of Mackinac.

SECTION 1. *The People of the State of Michigan enact, That* Territory organized.
 all townships forty-one and forty-two north of range one east and forty-one north of range two east, and forty-one and forty-two north of range one west, now forming a portion of township of Marquette, in the county of Mackinac, be and the same are hereby set off from the residue of said last named township and organized into a separate township by the name of Cedar, and the first township meeting thereof shall be held at the house of William Clark, in town forty-one north of range one east, Michigan, on the first Monday of April, A. D. eighteen hundred and eighty-seven. First township meeting.

SEC. 2. Charles W. Henry, William Clark and Joseph Ludlam be hereby made and constituted a board of inspectors for said township election, and at such election the qualified electors shall choose by ballot persons to fill the various township offices in manner and form as provided by the general laws of this State in case of township elections. Board of inspectors. Meeting, how conducted.

SEC. 3. If for any reason the township meeting provided for in section one shall not be held at the time specified for holding the same, it shall be lawful to hold the same at any time thereafter. Township meeting may be held at other than time designated.

Notice. after by giving at least fifteen days' notice of the time and place of holding such meeting by posting notice thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.

Vacancies in board of inspectors, how filled.

SEC. 4. If for any reason all or either of the inspectors hereunto appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in the place of such inspectors who shall neglect or be unable to attend such meeting.

Board of registration.

SEC. 5. And the said Charles W. Henry, William Clark, Joseph Ludlam or a majority of them shall constitute a board of registration with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at said house of Wm. Clark.

Session, where to be held.

This act is ordered to take immediate effect.
Approved March 19, 1887.

[No. 404.]

AN ACT to authorize the Ingham County Agricultural Society to sell or mortgage its real estate for the purpose of paying its indebtedness.

Authorized to borrow money and mortgage real estate.

SECTION 1. *The People of the State of Michigan enact*, That the Ingham county agricultural society, a corporation duly organized under the laws of this State, be and it is hereby authorized and empowered through its proper officers to borrow money for the purpose of paying its indebtedness and to mortgage its real estate to secure the payment of such loan.

Authorized to sell real estate.

SEC. 2. The said agricultural society is also hereby authorized and empowered through its proper officers to sell any or all real estate owned by it for the purpose of paying its indebtedness, and to execute proper deeds of conveyance therefor.

This act is ordered to take immediate effect.
Approved March 21, 1887.

[No. 405.]

AN ACT to amend and revise an act entitled "An act to incorporate the city of Marshall," being act number one hundred and fifty-nine of the laws of eighteen hundred and fifty-nine, approved February fourteenth, eighteen hundred and fifty-nine, as amended by the several acts amendatory thereof.

Acts amended.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to incorporate the city of Marshall

being act number one hundred and fifty-nine of the laws of eighteen hundred and fifty-nine, approved February fourteenth, eighteen hundred and fifty-nine, as amended by the several acts amendatory thereof, be revised and amended so as to read as follows:

CHAPTER I.

INCORPORATION.

SECTION 1. *The People of the State of Michigan enact, That* sections twenty-five [25], twenty-six [26], the north half of sections thirty-five [35] and thirty-six [36], and the south half of sections twenty-three [23] and twenty-four [24], in the township of Marshall, in the county of Calhoun, be and the same are hereby set off from said township of Marshall and declared to be a city by the name of "the city of Marshall," by which name it shall be hereafter known. Territory incorporated.

SEC. 2. The city heretofore known as the "city of Marshall," shall be a body corporate and politic under and by the name of the "city of Marshall," and by such name may sue and be sued, contract and be contracted with, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of law and equity, and may have a corporate seal which they may alter or change at their pleasure, and are hereby made capable of purchasing and holding, conveying and disposing of any real or personal estate for the purposes for which it is incorporated and exercise all the powers in this act conferred. Body corporate.

SEC. 3. All ordinances, by-laws and resolutions in force in the city when this act shall take effect and not inconsistent herewith shall continue in full force and effect until repealed or amended by the common council of the city. Ordinances, etc., to remain in force.

SEC. 4. All rights and property of any kind and description which were vested in the city under its former charter shall be deemed and held to be vested in the corporation under this act, and no rights or liabilities, either in favor of or against such corporation under its former organization existing at the time of the passage of this act and no suit or prosecution of any kind shall be in any manner affected by such change. Rights and property not affected.

CHAPTER II.

BOUNDARIES AND WARDS.

SECTION 1. Said city shall be divided into four wards by running one line along the center of State street from the eastern boundary of the city to the western boundary of the city, and a second line at right angles thereto, commencing at the intersection of Jefferson street and State street, running south from State street through the center of Jefferson street to the end of said street, and thence due south to the southern boundary of the city, Division of city into wards.

- and from State street, center of the street, due north to the center of Mansion street, thence west to the center of Division street thence north through the center of Division street to the end of said street, thence due north to the northern boundary of the city; and all that portion of said city lying north of said center of State street and east of the center of Jefferson street and the center of Division street shall be known as the "first ward;" and that portion of said city lying north of said center of State street and west of the center of Jefferson street and Division street shall be the "second ward;" and all that portion of the said city lying south of said center of State street and west of the center of Jefferson street and a line running direct through the center of Jefferson street and to the southern boundary of the city shall be the "third ward;" and all that portion of said city lying south of the center of said State street and east of the center of said Jefferson street and a line running direct through the center of Jefferson street to the southern boundary of the city shall be known as the "fourth ward."
- First ward.**
- Second ward.**
- Third ward.**
- Fourth ward.**
- Council may re-district city.** SEC. 2. Whenever the council shall deem it expedient they may, by ordinance enacted by a concurring vote of not less than three-fourths of the voting members elect, re-district the city into wards, divide any ward, or change the boundaries thereof, establish new wards and increase the number of wards in the city.
- Recorder to give notice.** SEC. 3. Upon the introduction of such ordinance the common council shall require the recorder to give notice thereof and a full description of the change proposed thereby in any ward or wards by publishing such notice in some newspaper published in the city for four successive weeks before the council shall proceed to the passage of such ordinance.
- Wards to be composed of adjacent territory, etc.** SEC. 4. All wards which may be established by the council and all existing wards shall be composed of adjacent territories and shall be as compact as may be, and in establishing, changing or re-districting the wards it shall be so done as to give the several wards as near an equal number of inhabitants as may be practicable.
- Time of change of boundaries, elections, etc.** SEC. 5. No change in the boundary line of any ward shall be made within thirty days next preceding an election therein; no election of aldermen or ward or city officers shall be held in a newly established ward or in any ward on account of changes in the boundary therein, within the thirty days previous to the next annual city election; nor shall the office of alderman or other officer elected in any ward be vacated by reason of any change in such ward, but any such alderman or other officer shall during the remainder of his term continue in office, including the place of his residence at the time of the change of the boundaries of the wards, unless the office become vacant for some other cause.
- Offices not to become vacant by reason of change in ward.**
- Terms of office in new ward.** SEC. 6. When by the creation or formation of a new ward two aldermen are to be elected therein at the same time, one of them shall be elected for one year and one for two years and the terms of each shall be designated on the ballot.

SEC. 7. No ward shall be organized of territory containing less than five hundred inhabitants. Number of inhabitants necessary, etc.

SEC. 8. Before any new ward shall be created or new territory acquired by said city, the common council shall direct the city surveyor to prepare an accurate map and drawings of the proposed new ward or territory, showing the boundary thereof and the streets and file the same in the office of the city recorder. Map of territory necessary, etc.

CHAPTER III.

OFFICERS OF THE CITY.

SECTION 1. The following officers of said city shall be elected by the qualified electors, upon a general ticket at the annual city election in said city, viz.: A mayor, recorder who shall be *ex-officio* city clerk, treasurer, a school inspector and four justices of the peace. The mayor, recorder, treasurer and school inspector shall be elected annually and shall hold their respective offices for one year and until their successors are elected and qualified, and one justice of the peace shall be elected each year who shall hold his office for the term of four years and until his successor is elected and qualified and whose term of office shall commence at the same time as those of justices of the peace elected under the general laws of the State. Election of city officers.

SEC. 2. There shall also be elected at each annual city election, in and for each of the wards of the city, one alderman who shall be an elector of the ward and who shall hold his office for two years and until his successor is elected and qualified, one constable who shall be an elector of the ward who shall hold his office for one year and until his successor is elected and qualified. Term of office.

SEC. 3. There shall also be elected at each annual city election, in and for each of the wards of the city, one supervisor who shall be an elector of the ward, who shall hold his office for the term of one year and until his successor is elected and qualified. Such supervisors shall be members of the board of supervisors of Calhoun county and as such members of said board shall each have all the powers and perform all the duties on said board as supervisors of townships elected under the general laws of this State. Idem. Supervisor member of county board.

CHAPTER IV.

SECTION 1. An annual city election under this charter shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate. Annual elections.

SEC. 2. Special elections may be appointed by resolution of the council and held in and for the city or in and for any ward thereof at such times and place or places as the council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election. Special elections.

Notice of, to inspectors, etc.

SEC. 3. Whenever a special election is to be held the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held a notice signed by the recorder specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors, and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Notice of time, place, etc.

SEC. 4. Notice of the time and place or places of holding a election and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the recorder at least eight days before such election by posting such notices in three public places in each ward in which the election is to be held and by publishing a copy thereof in a newspaper published in the city the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

Time of opening and closing polls.

SEC. 5. On the day of elections held by virtue of this act the polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning, or as soon thereafter as may be, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls. Said board of inspectors shall consist of the supervisor and the two aldermen of each ward, two of whom shall constitute a quorum and they shall be inspectors of their respective wards of all elections.

Board of inspectors.

Vacancies in board of inspectors.

SEC. 6. In case three of such inspectors shall not attend at the opening of the polls or shall not remain in attendance during the election the electors present may choose *viva voce* such number of such electors as with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors of the election during the continuance thereof.

Inspectors of State, county, etc.

SEC. 7. The inspectors of election as specified in the last section shall be inspectors of State, county and district and city elections in their respective wards.

Elections, how conducted.

SEC. 8. All elections held under the provisions of this act shall be conducted as nearly as may be in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such election shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes as are conferred by law upon inspectors of general elections held in this State.

Ballots.

SEC. 9. The electors shall vote by ballot and the same ballot shall contain the names of persons designated as officers for the city and as officers for the ward. The ballots cast upon any qu

tion or proposition submitted to be voted upon shall be separate and be deposited in a separate box.

SEC. 10. If at any election vacancies are to be supplied in any office or if any person is to be elected for less than a full term of the office the term for which any person is voted to fill shall be designated on the ballot. Vacancies, how filled.

SEC. 11. It shall be the duty of the inspectors on receiving the vote as specified in the last two sections to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written the name of each elector voting at such elections in two poll lists to be kept by said inspectors of elections or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors. Duties of inspectors in receiving votes, etc.

SEC. 12. Immediately after closing the polls the inspectors of election shall without adjourning publicly canvass the votes received by them and declare the result, and shall on the same day or on the next day make a statement in writing setting forth in words at full length the whole number of votes given for each office, the names of persons for whom such votes for each office were given, and the number of votes so given for each person and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of election or on the next day together with said poll lists and the register of electors, and the boxes containing said ballots, in the office of the recorder. Idem.

SEC. 13. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall, in all other respects except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at such general elections. Manner of canvassing.

SEC. 14. The council shall convene on Thursday next succeeding each charter election, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively; and thereupon the recorder by order of the common council shall make duplicate certificates under the corporate seal of the city of such determination, showing the result of the election upon any question or proposition voted upon and what persons are declared elected to the several offices respectively, one of which certificates he shall file in the office of the county clerk and the other shall be filed in the office of the recorder. The person receiving the greatest number of votes for any office in the city or ward shall be deemed to have been duly elected to such office. Council to convene and determine result, etc.

SEC. 15. The common council shall convene on the Monday next ensuing the annual election, at their usual place of meeting. Idem.

and at such meeting the newly elected mayor, recorder and aldermen shall qualify and enter upon the duties of their offices. any question or proposition shall have been voted upon at a election it shall be the duty of the outgoing city council at such meeting to determine the result of such election on such question or proposition from the statement filed by the canvassing board and cause the same to be entered in their records.

In case of tie.

SEC. 16. If at any election there shall be no choice for an office by reason of two or more candidates having received the same number of votes, the outgoing common council shall at the meeting mentioned in the preceding section determine by ballot between such persons who shall be considered elected to such office.

Oath of office.

SEC. 17. Every officer of the city and any ward thereof shall before entering on the discharge of the duties of his office take and subscribe and file with the recorder an oath or affirmation to support the constitution of the United States and of this State and that he will, to the best of his ability, faithfully and impartially discharge the duties of his office, which oath or affirmation may be administered by the recorder or any qualified person authorized by law to administer oaths. Any person who shall neglect or refuse to take, subscribe and file such oath or affirmation as provided in this section on or before the next meeting of the common council after receiving notice of election, shall be deemed to have declined the office, and a vacancy may be declared thereby by a majority vote of the council and filled by the council.

Neglect to file,
may cause
vacancy.

Qualification of
officers and
electors.

SEC. 18. No person shall be elected to any office in said city or ward therein unless he shall be at the time of such election an appointment an elector of said city or ward. The inhabitants of said city having the qualifications of electors under the constitution and general laws of the State, and no others, shall be electors therein.

County or district
canvass.

SEC. 19. In all elections other than city elections the board of inspectors of election of each ward shall appoint one of their number to attend the county or district canvass.

Ballot boxes.

SEC. 20. The common council shall provide, and cause to be kept by the recorder for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

Ballots to be
separate.

SEC. 21. The ballots cast upon any question or proposition to be voted upon shall be separate and shall be deposited in a separate rate box.

Who entitled to
vote.

SEC. 22. All persons having the qualification of electors in general elections, and whose names are duly registered upon the register of voters of the ward in which they reside, and no others shall be entitled to vote at all elections in the ward in which they reside: *Provided*, That in the case of any elector whose name is not entered upon the register of voters of the ward in which he resides, desiring to vote at such election, shall then and there be entitled to registration and to record his vote in accordance with and under the provisions of laws of the State governing townships elections.

Proviso.

SEC. 23. No person shall be elected or appointed to any office in the city unless he be an elector and a resident of said city for one year preceding such election or appointment. Whenever a vacancy shall from any cause occur in any elective office, except that of mayor and justice of the peace, the common council shall by a majority vote appoint some person eligible to such office under this act to serve in such office, *pro tempore*, and to discharge the duties thereof until the next annual city election, when such vacancy shall be filled by election for the unexpired portion of the term of such office.

Who may hold office.
Vacancies, how filled.

CHAPTER V.

APPOINTMENT, RESIGNATIONS AND SALARIES.

SECTION 1. The common council on the nomination of the mayor shall have power and it shall be the duty of the common council to appoint the following city officers: An attorney for the city, a marshal who shall be *ex-officio* chief of police, a chief engineer of the fire department, a health inspector and such other officers as the common council may from time to time deem to be necessary to carry into effect the powers granted by this act. The terms of all officers appointed by the common council shall commence on the first Monday in May of each year and continue for one year, unless removed as hereinafter provided, and until their successors are appointed and qualified.

Appointive officers.
Terms.

SEC. 2. The mayor shall submit his nominations for the above named officers on the second Monday of April of each year and the common council shall act thereon on or before the last regular meeting of said month. Such appointments shall be made only by a concurring vote of a majority of the voting members elect of the common council.

How and when appointed.

SEC. 3. The common council shall annually elect by ballot on the third Monday of April a fire warden for each ward and one pound master who shall hold their offices for one year and until their successors are elected and qualified.

Council to elect certain officers.

SEC. 4. Said common council may also at any time require any officer to execute and file additional or new official bonds or security with such new or further sureties as said council may deem requisite. Any failure to comply with such requirement within such reasonable time as the council may determine shall subject the officer to immediate removal.

New bonds may be required.

SEC. 5. Suit may be brought by the city for any breach of any official bond given to said city before any justice of the peace of the city of Marshall or the circuit court of Calhoun county, according to the amount claimed, which courts are authorized to hear and determine the same, but this section shall not be deemed to take away the jurisdiction of any other court before which such action might be brought if this section had not been enacted.

Suit on official bonds.

SEC. 6. Whenever any officer shall resign or be removed from

Officers to deliver books, etc., to successor.

Violation of provisions, etc.

Resignation, etc., not to exonerate from liability.

Resignation, to whom made.

When office to be declared vacant.

Salaries of officers.

Bonds.

office or the term for which he shall have been elected appointed has expired, he shall deliver over to his successors in office all books, papers, moneys and effects in custody as such officer and in any way pertaining to his office. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for like offenses under the general laws of the State, and every officer elected or appointed under the provisions of this act shall be deemed to have accepted the meaning and provisions of such general laws of the State.

SEC. 7. The resignation, suspension, or removal of any officer from office shall not, nor shall the appointment of any other officer to fill the vacancy, exonerate such officer or his sureties from liability incurred by him or them. All resignations of officers shall be made to the common council in writing and subject to the acceptance of the common council.

SEC. 8. If during his term of office any officer of said city or any ward therein shall cease to be a resident thereof, or if any officer shall be a defaulter, his office may be declared vacant by the common council. If any person elected or appointed to fill an office in said city shall fail to take and file the oath of office, or shall fail to give the bond or security required within the time limited therefor, the common council may declare the office vacant unless previously thereto he shall file the oath and give the bond or security required.

SEC. 9. The mayor and aldermen may each receive such salary as may be prescribed by ordinance of the common council. The city marshal, recorder, treasurer and all officers appointed or elected by the common council shall each receive such annual salary as the council shall determine by ordinance. The compensation of supervisors for assessing and levying taxes, extending taxes upon their rolls for all other services performed by them shall not exceed \$100 dollars per day for time actually employed. School inspectors shall serve without compensation. Constables and officers serving processes and making arrests, may, when engaged in carrying out and proceedings for violation of the ordinances of the city, charge and receive such fees as are allowed to those officers for like services by the general laws of the State. The recorder, treasurer and city marshal shall each before entering upon the discharge of the duties of his office execute and file with the proper officer a bond with approved sureties for the faithful performance of the same and in such amount as the council may direct. The bond of the city recorder shall be filed with the city treasurer and those of the city treasurer and city marshal with the recorder.

CHAPTER VI.

THE MAYOR.

1. The mayor shall be the chief executive officer of the city and shall be a conservator of the peace, and may exercise the powers and duties of mayor. He shall have authority to command the assistance of the citizens to aid in the enforcement of the ordinances of the council and to suppress riot and disorderly conduct, and to exercise supervision over the several departments of the city, and see that laws relating to the city and the ordinances and regulations of the council are enforced.

The mayor shall have power to and shall appoint all officers and committees. It shall be his duty to preside at all meetings of the common council and call special meetings of the council whenever he shall deem it expedient or whenever directed by writing by five or more aldermen. At any session of the council the mayor shall not be entitled to vote except in case of a tie, in which case he shall cast the deciding vote.

The mayor may remove any officer nominated by him, and may suspend any policeman for neglect of duty.

CHAPTER VII.

RECORDER.

1. The recorder shall keep and have charge of the books and all the documents, official bonds and records of the city, not by this act or by the ordinances of said city committed to some other person; he shall be clerk of the common council, attend all meetings of said council, record all its proceedings, ordinances and resolutions, and attend to the publication of notices, ordinances and regulations required to be published; he shall give notice of special meetings, elections and to persons interested; he shall sign and register all licenses granted and required by the city council for the use of the city, and certify under the seal of the city copies of the records and documents and kept in his office, and he shall possess and exercise the powers of township clerk so far as the same are required to be exercised within the city, and he shall have power to administer oaths and affirmations and exercise such other powers as are provided by this act or that may be by ordinance of the council.

The recorder shall be the general accountant of the city. All claims against said city shall first be filed with him, and when allowed, shall draw his warrant upon the city for the payment thereof, designating therein the amount which payment is to be made. When any tax or money has been levied, raised or appropriated, the recorder shall certify the amount thereof to the city treasurer, stating the objects

and funds for which the same was levied, raised or appropriated, and the amounts thereof to be credited to each fund.

To have charge
of books, etc.

SEC. 3. The recorder shall have charge of all the books, vouchers and documents relating to the accounts, debts, revenues of the corporation; he shall countersign and register bonds issued; he shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, revenues, resources and liabilities, with a detailed and proper classification thereof; he shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city and credit with all warrants drawn thereon, keeping an account with each fund.

To report to
council.

SEC. 4. The recorder shall report to the common council whenever required a detailed statement of the receipts and expenditures and financial condition of the city, and shall perform such other duties pertaining to his office as are required by act or as said council, by ordinance or resolution, may require.

Council may ap-
point recorder
pro tem.

SEC. 5. In case of the absence of the recorder, or if for any cause he shall be unable to discharge or be disqualified from performing the duties required by him, the common council may appoint one of their own number or some other person to perform the duties of the recorder for the time being.

Recorder en-
titled to vote.

SEC. 6. In all meetings of the common council the recorder shall be entitled to vote upon all questions except when exercising the duties of the mayor as presiding officer, when he shall be entitled to vote only in case of a tie.

May appoint
deputy.

SEC. 7. The recorder may appoint a deputy for whose acts he shall be responsible, but such deputy shall not act as a member of the council or board of control of the cemetery.

When may per-
form duties of
mayor.

SEC. 8. In case of the absence or sickness of the mayor, or in case of a vacancy occurring in said office, the recorder shall be and he is hereby authorized to do and perform all the duties and transactions appertaining to the office of mayor until the said mayor resumes his duties or until another be elected and qualified.

Copies of papers
certified by re-
corder, to be
evidence.

SEC. 9. Copies of all papers duly filed in his office and transcripts from the record of the proceedings of the common council, certified by the recorder under the corporate seal of the city, shall be evidence in all courts of this State in like manner as the originals were produced.

CHAPTER VIII.

POWERS AND DUTIES OF THE CITY TREASURER.

Power and
duties of treas-
urer.

SECTION 1. The treasurer of said city shall have the custody of all moneys, the recorder's bond and bonds other than official bonds and all evidences of value belonging to said city. He shall receive all moneys belonging to and receivable by the corporation and keep a correct account of all receipts and expenditures. He shall pay no money out of the treasury except in pursuance of

and by authority of law and upon warrants signed by the recorder and countersigned by the mayor of said city, which shall specify the purpose for which the amount thereof and the fund from which the same are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation and shall keep a separate account of each fund and shall credit thereto all moneys raised, paid in or appropriated therefor and shall pay every warrant out of the particular fund upon which the warrant is drawn.

SEC. 2. The treasurer of said city shall render to the common council when required a report of the amounts received and credited by him to each fund, and the amounts paid out by him and for what purpose from each fund and the amount of money remaining in each fund on the day of each report. Report.

SEC. 3. The treasurer shall take vouchers for all moneys paid from the treasury, showing the amount and fund from which payment was made, which vouchers upon settlement with the proper officers of the city shall be surrendered to and filed with the recorder. Vouchers.

SEC. 4. The city treasurer shall keep all moneys in his hands belonging to the city, separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidence of debt in his custody or keeping for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the common council who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term. Keeping moneys.

SEC. 5. The city treasurer shall, whenever he shall act as collector of taxes, exercise such powers as are conferred by the general laws of the State upon township treasurers and he shall perform such other duties pertaining to his office as may be required of him from time to time by the common council or by the provisions of this act. Collecting taxes.

CHAPTER IX.

JUSTICES OF THE PEACE.

SECTION 1. Justices of the peace elected under this act shall have in all respects the same powers and duties and jurisdiction as justices of the peace of townships under the general laws of the State, and as if the city were a township, and shall be subject to all the general laws of the State in the same manner as other justices of the peace, except when in this act it is otherwise provided or when the provisions of this act shall be inconsistent therewith. Power and duties of justices.

SEC. 2. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace shall before entering upon the duties of his office execute a bond to the city of Marshall, with one or more sufficient sureties, to be Additional bond.

approved by the common council of said city, which approval shall be endorsed on said bond, in the penalty of five hundred dollars, conditioned for the faithful performance of his duties as a police justice of said city and to pay over the moneys so collected and make his report as in this act required.

Office and fees. SEC. 3. It shall be the duty of the justices of the peace of said city to keep their offices in said city and attend to all complaints of a criminal nature which may properly come before them, and they shall receive from the city for their services when engaged in cases for the violation of the ordinance of said city, such fees as the common council shall by ordinance prescribe: *Provided*, They shall not exceed in amounts justices' fees in townships for similar services.

Fines, etc., where to be paid. SEC. 4. All fines, penalties or forfeitures recovered before any of said justices for violation of any city ordinances shall when collected be paid into the city treasury; and each of said justices shall report on oath to the common council at the first regular meeting thereof in the months of March, June, September and December of each year during the term for which he shall perform the duties of such justice the number and name of every person against whom judgment shall have been rendered for such fine, penalty or forfeiture, and all moneys by him received for and on account thereof, which moneys so received or which may be in his hands collected on such fine, penalty or forfeiture shall be paid into said city treasury at the time of making such report and during the time such justice shall exercise the duties of said office.

Report. SEC. 5. The justices of the peace of said city shall have full power and authority, and it is hereby made the duty of any such justice, upon complaint to him in writing on oath, to inquire into and hear, try and determine all offenses which shall be committed within said city against any of the by-laws or ordinances of said city.

CHAPTER X.

CONSTABLES.

Power and duties of constables. SECTION 1. The constables of the city shall have the like power and authority in matters of civil and criminal nature and in relation to the service of all kinds of criminal processes as are conferred by law upon constables in townships and shall have power also to serve all processes issued for breaches of the ordinances of the city.

Idem. SEC. 2. The constables of the city shall obey all lawful orders of the mayor, common council and chief of police and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city and shall discharge all duties required of them by any ordinance or resolution or regulation of the council, and for any neglect or refusal to perform any duty required of them, every such constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable before

Penalty for neglect.

Security.

entering upon the discharge of the duties of his office shall give such security for the faithful performance of the same as is required by constables in townships or as may be required by the council and file the same with the recorder.

CHAPTER XI.

SCHOOL INSPECTOR.

SECTION 1. The school inspector of the city shall perform such duties in and for the city and for the public schools as are required by school inspectors elected in townships, so far as such duties are applicable or shall be required under this act.

Power and
duties of school
inspector.

CHAPTER XII.

SUPERVISORS.

SECTION 1. The supervisors of the several wards are authorized to perform the same duties in relation to the assessment of property and levying of taxes for all purposes in their respective wards as are imposed by law upon supervisors elected in townships, and they shall have the like powers and perform the like duties in all other respects as supervisors so elected so far as such powers and duties are required to be exercised in their wards except as herein otherwise provided; together with the aldermen of their wards they shall constitute the board of inspectors of elections in their respective wards; they shall represent their several wards on the board of supervisors of the county of Calhoun and shall have equal rights and privileges with members of such board chosen by the respective townships of the county, and they shall perform such other duties as are required of them individually or collectively by any of the provisions of this act.

Supervisors.
Powers and
duties of.

SEC. 2. The supervisor shall be chairman of the board of inspectors of election in his ward when he is present. If not present the board shall elect one of their number chairman.

Idem.

CHAPTER XIII.

ALDERMEN.

SECTION 1. The aldermen of the respective wards shall be members of the common council and exercise such powers and discharge such duties as are required by this act or that may be prescribed by ordinance or resolution of the council and not inconsistent with this act; with the supervisor they shall constitute the board of inspectors of election in their respective wards; as conservators of the peace they shall aid in maintaining good order in the city and in securing the faithful performance of duty by all officers of the city.

Aldermen.
Powers and
duties of.

CHAPTER XIV.

BOARD OF HEALTH.

Board of health.
Powers and
duties of.

SECTION 1. The mayor, aldermen, recorder and health officer of said city shall be and constitute the board of health of city, and such board shall have such powers and perform duties as are conferred upon and required of township board of health by the general statutes of the State in regard to public health now in force and which may be hereafter enacted.

Hospital, etc.

SEC. 2. When the common council may deem it for the public safety, grounds and buildings for a city hospital may be purchased, erected and maintained within or beyond the corporate limits of the city; and in such case the council shall have authority to enact and enforce within or beyond the corporate limits of the city, all such ordinances and police regulations may be necessary for the care and protection thereof, and the management and control of the inmates and persons employed in and about such hospital; and said council shall have power to enact such ordinances, rules and regulations in regard to the public health of said city as are authorized by the general laws of the State, and such others as they may deem necessary for the proper care and protection of the inhabitants of said city.

Powers and duties of health officer.

SEC. 3. The health officer of the city shall have such powers and perform such duties as are conferred under the general laws of the State, and shall perform such other duties pertaining to his office as may be required by the common council.

CHAPTER XV.

CITY ATTORNEY.

Additional
duties of city
attorney.

SECTION 1. The city attorney in addition to the other duties prescribed by this act shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute offenses against the ordinances of the city.

CHAPTER XVI.

CITY SURVEYOR.

Power and
duties of city
surveyor.

SECTION 1. The city surveyor shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city relating to the city.

to the public improvements, buildings, grounds and streets of the city.

CHAPTER XVII.

COMMON COUNCIL.

SECTION 1. The common council of said city shall consist of the mayor, two aldermen elected from each ward, and the recorder, when assembled and organized. Common council.

SEC. 2. All meetings and sessions of the council shall be held in public. A majority of the council shall make a quorum for the transaction of business; a less number may adjourn from time to time and may compel the attendance of absent members in such manner as shall be prescribed by ordinance; but no office shall be created or abolished nor any tax or assessment be imposed, street, alley or public grounds be vacated, real estate or any interest therein sold or disposed of or private property be taken for public use unless by a concurring vote of two-thirds of all the voting members elect; nor shall any vote of the council be reconsidered or rescinded unless there be present as many voting members as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall any resolution be passed or adopted except by a vote of the majority of the common council present, except as herein otherwise provided. In case the mayor shall be absent from any meeting the recorder shall preside, and in the absence of both mayor and recorder the council shall appoint one of their number to preside at such meeting, and in case of the absence or disability of the recorder, or when acting as presiding officer, the council may appoint one of their number to act in his place until such disability is removed or another shall be elected in his place. Meetings.
Concurring vote.
Appropriating money, etc.
Presiding officer.

SEC. 3. The recorder, treasurer and marshal shall respectively, before they enter upon the exercise of the duties of their respective offices, give such security for the faithful discharge of the duties of the trusts reposed in them as the mayor, recorder and aldermen in common council convened shall direct and require. Bonds.

SEC. 4. The legislative control and authority of said city shall be vested in the common council. Said council shall have control of all the finances, rights and interests, buildings and property, personal and real, belonging to said city, and may make such ordinances and by-laws, rules and regulations in regard to the same as said council may deem necessary for the care, protection and use thereof, and shall have authority to enact all such ordinances, by-laws, rules and regulations as may be necessary to carry into effect the powers by this act conferred, and to alter, amend and repeal the same at pleasure. Control of city vested in council.

SEC. 5. Said common council shall have authority to adjust and settle all accounts and claims against said city, and no suit or action shall be maintained against said city, on any account or claim, until the same shall have been presented to said council Council to settle accounts, etc.

	and said council shall have had an opportunity to pass upon same.
To hold meetings.	SEC. 6. The common council shall hold stated meetings as often as once in each month and may hold special meetings as often as necessary. The time of holding stated meetings shall be fixed and determined by said council, and if any stated meeting shall fall on a legal holiday such meeting, by reason thereof and without further action by said council, shall stand adjourned unto the next succeeding day upon which the same can be legally held. Within one week after each meeting of the common council the proceedings taken thereat shall be published in at least one newspaper in said city.
Publish proceedings.	SEC. 7. The common council may provide by ordinance for the registration, previous to any election, of the electors of said city.
Provide for registration.	SEC. 8. The common council shall have power to borrow money for necessary expenses and public improvements in said city. <i>Provided</i> , That it shall not be lawful for said common council to borrow more than five thousand dollars in any one year, unless the question of raising a greater sum shall first be submitted to the electors of the several wards of said city at its annual election or at a special election called for that purpose by the common council, and a majority of the qualified electors thereof voting at such election shall vote by ballot for the same.
Borrow money.	SEC. 9. The common council shall have power to investigate charges against any officer of the city and such other municipal matters as they may deem proper to investigate. To enable said council so to do, any justice of the peace of the city of Marsfield is authorized, at the request of the council, to issue subpoenas or processes by warrant to compel the attendance of persons before said council or committee, and the mayor of the city shall have power to issue such subpoena and process.
Investigate charges, etc.	SEC. 10. Whenever the common council or the mayor shall be authorized to compel the attendance of witnesses for the investigation of matters which may come before such council, the presiding officer of the council for the time being shall have power to administer the necessary oaths, and such council shall have the same power to compel witnesses to testify as is conferred on judges of courts.
Authority of justices and mayor in relation thereto.	SEC. 11. The common council shall have authority to lay out, establish, enlarge, vacate and discontinue, within the corporate limits of the city, parks and public grounds, and to improve, light and ornament the same; to regulate the care thereof and to protect the same and all the appurtenances thereto from obstructions, encroachments, injury and all nuisances.
Presiding officer to administer oaths.	SEC. 12. The common council shall once in each and every year and during the week immediately preceding the annual charter election, cause to be published in at least one newspaper printed in said city, or in pamphlet form if directed by the common council, a just and true account of all the moneys received
Authority to lay out streets, etc.	
To publish accounts of moneys received or expended, etc.	

or expended by them in their corporate capacity during the year or other period preceding such publication, and also the disposition thereof, previous to which they shall audit and settle the accounts of the city treasurer and the accounts of all other officers or persons having claims against the city or accounts with it, and shall make out in detail a statement of all receipts and expenditures; and which statement shall fully specify all appropriations made by the common council, and the object and purpose for which the same were made and the amount of money expended under such appropriations, the amount of taxes raised and the amount expended on highways, streets, bridges, sidewalks, crosswalks, lanes, alleys and public places and all such information as shall be necessary to a full and perfect understanding of the financial affairs of the city. The common council shall be the judge of the election and qualification of its own members and shall have power to determine contested election, to determine the rules of its proceedings and pass all by-laws and rules necessary and convenient for the transaction of business not inconsistent with the provisions of this act.

SEC. 13. No ordinance or resolution passed by the common council authorizing any public improvement, or for or concerning the same, or for the payment of money by the treasurer, shall have any force or effect if on the day of its passage or the next day thereafter the mayor, or other officer legally discharging the duties of mayor, shall lodge in the office of the recorder a notice in writing suspending the immediate operation of such ordinance or resolution. If the mayor or other officer legally exercising the office of mayor shall within twenty-four hours after the passage of such ordinance or resolution lodge in the office of the recorder his reasons in writing why the same shall not go into effect, the same shall not go into effect nor have any legal operation unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the members of the common council then in office, exclusive of the mayor or other officer legally discharging the duties of mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons in writing shall not be lodged with the recorder, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the recorder; and no ordinance or resolution of the common council for any of the purposes mentioned in this section shall go into operation until after the expiration of twenty-four hours after its passage.

When ordinances, etc., to have no force.

Proviso.

When ordinance to go into operation.

SEC. 14. It shall be the duty of the recorder to communicate to the common council at the next meeting of the board any paper that may be lodged with him pursuant to the last preceding section.

Duty of recorder.

CHAPTER XVIII.

POWERS AND DUTIES OF COMMON COUNCIL.

Power of council relative to highways, etc.

Private property for public uses.

Special assessments.

Common council to be highway commissioners.

Council to establish grades, etc.

To cause surveys.

Record of surveys, etc.

Records evidence.

SECTION 1. The common council shall have full power and authority to lay out, establish, open, alter, widen, repair, lig improve, vacate and discontinue highways, avenues, streets, lan alleys, drains, water-courses, culverts and bridges in said c whenever said council shall deem the same a public improveme or necessity, and may regulate the use thereof and protect t same from obstruction, encroachment and injury. If in layi out, establishing, opening, widening, altering, repairing or impr ing any highway, street, lane, avenue, alley, drain, water-cour culvert or bridge it shall be necessary to take or use any priv property, the same may be appropriated in the manner provi in this act for taking private property for public use. The wh or any part of the expense of any such improvement may be p out of the funds of the city. If it shall be determined that city pay only a portion of such expense, the balance thereof sh be paid by special assessment upon the property adjacent ther and benefited thereby, and within the special assessment dist as hereinafter provided, and such special assessments may be lev and collected as provided by this act for levying and collect special assessments.

SEC. 2. The common council of said city shall be high commissioners for the same and shall have and exercise the sa powers given by statute to highway commissioners of townshi so far as applicable, and except as herein otherwise provided.

SEC. 3. The common council shall have power to determ and establish the grade of all streets, avenues, alleys and pu grounds within said city, and may change or alter such grade any part thereof whenever in their opinion the public convenie will be promoted thereby. Whenever a grade shall be establis or altered a record thereof shall be made in a book to be provi by the council for that purpose.

SEC. 4. The common council may cause all public stre alleys and public grounds to be surveyed and may determine establish the boundaries thereof and cause the surveys and desc tions thereof to be recorded in a book kept for that purpose the office of the recorder, and to be designated "Book of Str Records." Such records shall be *prima facie* evidence of existence of such streets, alleys or public grounds and of boundaries of the same.

PAVING AND IMPROVEMENT.

Council to pave, etc., streets.

SEC. 5. The council shall have power to grade, pave, pla gravel, curb and otherwise improve and repair the highw streets, avenues, lanes and alleys of the city, and for that purp and for defraying the expenses thereof may divide the city

street districts. The term paving shall be deemed to include the construction of crosswalks, gutters and curbing.

SEC. 6. Such part of the expenses of improving any street, lane or alley by grading, paving, planking, graveling, curbing or otherwise, and of repairing the same as the council shall determine, may be paid from the general street fund or from the street district fund of the proper street district, or in part from each, or the whole or such part of the expense of such improvement as the council shall determine may be defrayed by special assessments upon lots and premises included in a special assessment district, to be constituted of the lands fronting upon that part of the street or alley so improved or proposed so to be, or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the majority of the council may be benefited by the improvement.

Expenses of such improvement, how paid.

SEC. 7. When expenses for any such improvement or repairs shall be assessed in a special assessment district, and there shall be lands belonging to the city, school buildings or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement, as in the opinion of the majority of the council or board of assessors making a special assessment would be justly apportionable to such public grounds, buildings, and city property and to any interior squares or spaces formed by the intersection of streets were they taxable, shall be paid from the general street fund or from the proper street district fund or partly from each, as the council by a majority vote shall determine to be just, and the balance of such expenses shall be assessed upon the taxable lots and premises included in the special assessment district in proportion to their number of feet frontage upon such improvement, or the benefit derived therefrom, or if the special assessment district shall include other lands not fronting upon the improvement, then upon all the lands included in such special assessment district in proportion to the estimated benefits resulting thereto from the improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessments upon the other lots, the council or board of assessors making the assessment may assess such lot for such number of feet frontage as in their opinion will be just.

Expenses, how paid in certain cases.

SEC. 8. The common council shall have power to regulate the construction of all sidewalks and crosswalks in the public streets and alleys of said city, and may prescribe the grade thereof and change the same when deemed necessary. Said council shall have power to order the construction and maintenance of sidewalks and crosswalks in the public streets and alleys of said city, and charge the cost and expense of sidewalks upon lots and premises abutting upon such walks.

Council to construct sidewalks, etc.

SEC. 9. The common council shall have power to require the owners and occupants of all lots and premises to construct and

To require owners to construct, etc.

maintain sidewalks in the public streets of said city whenever a council shall deem the construction, repair or maintenance of same a public necessity, and said council shall have power require all sidewalks to be constructed and laid out upon such lines and grades, and of such width and materials, and the manner of construction, and within such line as said council may order or by resolution or ordinance prescribe.

In case owners
fail to construct,
etc.

SEC. 10. If the owners or occupants of any lot or premises shall fail to construct, repair or maintain any particular sidewalk as mentioned in the last section above, the common council may cause the same to be done at the expense of such owner or occupant. Such expense may be assessed upon the premises adjacent thereto as provided in this act and be collected with the annual taxes therein, or the same, together with costs of suit, may be recovered in an action of assumpsit, and in all such actions shall be sufficient, as a declaration, to declare on the common count in assumpsit for labor and materials furnished, and a statement of the materials furnished and labor expended in constructing any such sidewalk with the value of such material and labor verified by the officer under whose charge any such walk may have been constructed, shall be *prima facie* evidence of the right of the city to recover the same.

Additional
power of council
relative to
ordinances, etc.

SEC. 11. The common council, in addition to the powers and duties conferred upon them by this act, shall have full power and authority to enact, make, continue, establish, modify, amend and repeal at pleasure such by-laws, rules, ordinances and regulations as they may deem desirable for the following purposes:

Vice and im-
morality.

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent and quell riots, disturbances and disorderly assemblages in streets or elsewhere in said city, and to prohibit the use of vulgar and indecent language in the public streets and places of said city;

Disorderly
houses.

Second, To prohibit, prevent and suppress disorderly and gaming houses, and to prohibit all gaming and fraudulent devices, and to regulate or restrain billiard tables and bowling alleys;

Gambling.

Third, To prohibit, restrain or prevent persons from gaming for money or other valuable things with dice, cards, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, box machines or other instruments or devices whatsoever, and keeping of any building, place, instruments, devices or means for such gaming;

Lotteries.

Fourth, To prohibit, prevent and suppress all lotteries for drawing or disposing of money or property or valuable thing whatsoever and to punish all persons maintaining, directing or managing the same or aiding in the direction, maintenance or management thereof;

Liquors.

Fifth, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to prohibit, restrain and regulate the sale of all goods

wares and personal property at auction, except in cases of sales Auctions.
authorized by law and to fix the fee to be paid by auctioneers;

Sixth, To prohibit, prevent, abate or remove nuisances of every Nuisances.
kind and to declare what shall be considered nuisances, and to
compel the owner or occupant of any grocery, provision store, tal-
low chandler shop, butcher's stall, slaughter-house, market, soap
factory, tannery, stable, privy, privy vault, hog-pen, sewer or other
unwholesome house or place to cleanse, remove or abate the same
from time to time, as they may deem necessary for the health,
comfort and convenience of said city;

Seventh, To direct the location of all buildings for storing Buildings for
gunpowder or other combustible or explosive substances; to make storing gun-
regulations concerning the buying, carrying, selling, keeping and powder, etc.
using gunpowder, fire-crackers or fire-works, or other combusti-
ble, inflammable, explosive or dangerous articles; the exhibition Exhibition of
of fire-works and the discharge of cannon and fire-arms; and the fireworks.
use and kind of lamps or lights to be used in barns, stables and
all buildings usually regarded as extra hazardous on account of
fire, and to regulate, prevent and restrain the making of bonfires Bonfires.
in the streets, lanes, alleys and public places;

Eighth, To prohibit and prevent obstructions and incumbrances Obstructions in
in the public highways, streets and alleys and remove the same; streets, etc.
to prohibit encroachments upon any public street, highway or
alley; and to punish those who shall obstruct, incumber, encroach
or maintain any encroachment upon any street, highway or alley
in said city, and to require all such persons to remove every such
obstruction, incumbrance or encroachment; to regulate and pro-
hibit the placing of signs, goods, wares and merchandise, boxes,
vegetables and other materials on public sidewalks; to regulate
and prohibit the suspension of signs, banners, advertisements and
devices in, over, across or upon any public street or alley, and to
regulate the suspension of awnings; to regulate and prohibit all
such sports, amusements, proceedings, gathering of crowds in the
streets as may interfere with the lawful use thereof or render
travel or passage therein inconvenient or unsafe; to regulate, pro- Placing tele-
hibit or prescribe the manner of placing telegraph poles or poles graph poles, etc.
of any kind in the public streets and grounds; to regulate the
manner of making all openings in, and removals of the soil of
public streets for the laying or repair of sewers, drains, tunnels,
gas-pipes, water pipes or for any other purpose, and may prevent Gas-pipes,
all such removals and openings of the soil, except by express per- water-pipes, etc.
mission of the city council and at such times and upon such
terms and regulations as they may prescribe; to prevent any will-
ful injury to streets, sidewalks, crosswalks and gutters; to pro-
hibit, prevent and remove and abate all nuisances in the public
streets, alleys, highways and public grounds and to require the
authors and maintainers thereof to remove the same, and generally
to prescribe and enforce all such police regulations over and in
respect to the public streets as may be necessary to secure good
order and the safety of persons and property in lawful use thereof;

Ninth, To require any horse, mule or other animal attached

Horses and
horse racing.

to any vehicle or standing in any of the streets, lanes, alleys or public grounds or places in said city to be securely fastened, held or watched and to prevent horse racing and immoderate riding or driving in any street, lane or alley and to authorize the stopping and detaining of any person who shall be guilty of racing or any immoderate riding or driving in any street, lane or alley and to regulate riding or driving over bridges in said city;

Railways, loco-
motives, etc.

Tenth, To determine and designate the route and grade of any railway to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon railroad within said city, and to compel the railroad companies, their officers, agents, managers and employes to station flagmen at street crossings, and to prescribe the length of time that engines and cars may stand on said streets or street crossings or otherwise obstruct them, or to prohibit the same and to make such other rules and regulations concerning the same as to secure the safety of the citizens or other persons;

Drunkards,
vagrants, etc.

Eleventh, To restrain and punish drunkards, vagrants, mendicants and street beggars soliciting alms and subscriptions for any purpose whatsoever;

Bathing.

Twelfth, To regulate or prohibit bathing in any public place to provide for clearing the river, ponds and streams within the limits of said city, and the races and canals connected therewith of all driftwood and noxious matter and to prevent the depositing therein of any filth or other matter tending to render the water thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to become unwholesome or offensive; to designate the location of all stock yards and to regulate and cause the same to be removed to such localities;

Pounds.

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese, chickens, turkeys and other fowls and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding;

Dogs.

Fourteenth, To prohibit and prevent the running at large of dogs, to require them to be muzzled and to authorize them to be killed when running at large in violation of any ordinance, and to prohibit any person from placing, exposing, or administering any poison to any fowl, dog, or other animal not his own and to punish any person for so doing;

Dead carcasses,
putrid meats,
etc.

Fifteenth, To prohibit any person from bringing into said city or depositing or suffering to remain therein, any dead carcass or other unwholesome or offensive substance; to compel the removal or destruction of all putrid meats, fish and offensive vegetable matter;

Clearing side-
walks.

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, signs, boxes, goods, wares, merchandise and other obstructions;

Seventeenth, To prevent and [or] regulate the ringing of bells and crying of goods and other commodities or other disturbing noises in the streets, lanes, alleys or in any public place or on private property adjoining thereto;

Ring-
ing of
bells, etc.

Eighteenth, To prescribe the powers and duties of policemen and watchmen, not specifically defined by this act, and to require them to be uniformed and to fix their compensation;

Powers, duties,
and compensa-
tion of police-
men.

Nineteenth, To provide for the sealing of weights and measures; to enforce the keeping and use of proper weights and measures by venders; and to regulate the construction, repair and use of vaults, cisterns, areas, hydrants, sewers and gutters;

Weights and
measures.

Twentieth, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys and public places, and to provide or prescribe stands for exposing the same for sale; to regulate the inspection, weighing and measuring of brick, lumber, wood, coal, hay and any articles of merchandise;

Markets.
Vending of
wood, hay, etc.

Brick, lumber,
wood, etc.,
inspection of.

Twenty-first, To establish, provide and regulate water works, to prevent the waste of water, and to regulate and control the use thereof; to provide for and regulate connections with the water pipes and mains in said city and to punish for all unauthorized connections and interference with the same, and to regulate water rates and charges for the use thereof and to provide for the collection of the same;

Water.

Twenty-second, To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house or railroad; also draymen, carmen, truckmen, porters, runners, chimney sweeps, drivers of cabs, hackney coaches, hacks, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed for carrying persons or goods for hire, and to fix and regulate their rates of fare and compensation; to license and regulate all vehicles of every kind, used for the transportation of persons or property for hire in said city and to prescribe stands for the same;

Solicitors of
hotels.

Hacks, etc.

Twenty-third, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meats and other provisions; to license and regulate all taverns and houses of public entertainment, all saloons, restaurants and eating houses;

Meats, poultry,
etc., inspection
of.
Licenses.

Twenty-fourth, To license hawkers, peddlers, and pawn-brokers, and hawking and peddling, and to regulate, license or prohibit the sales or peddling of goods, wares, merchandise, or any kind of property by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicles or other device in the streets, highways, alleys or in or upon any public grounds or buildings in said city;

Hawkers,
peddlers, etc.

Twenty-fifth, To license auctioneers, auctions and sales at auction; to regulate or prohibit the sale of live or domestic animals at auction in the streets, alleys, or upon any public grounds within the city; to regulate or prohibit the sale of goods, wares, property

Auctions,
auctioneers, etc.

	or anything at auction, or by any manner of public bidding offers; to license the same and to regulate the fees to be paid auctioneers; but no license shall be required in case of sale required by law to be made at auction or public vendue;
Exhibitions, caravans, etc.	<i>Twenty-sixth</i> , To regulate, license, restrain and prohibit sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions for which money or other reward is in any manner demanded or received; lectures on historic, literary, and scientific subjects excepted;
Religious meetings, disturbance of, etc.	<i>Twenty-seventh</i> , To prevent and punish for the disturbance of any religious meeting, congregation, or society, or other public meeting assembled for any lawful purpose, and to prevent and punish for assembling or loitering about churches during the progress of any religious meeting, or at the close thereof;
Teams, hitching posts, etc.	<i>Twenty-eighth</i> , To provide for and regulate a place or places for hitching teams in said city, to erect and maintain suitable hitching posts, to prohibit all practices, amusements and doings in the streets, lanes, alleys and public places in said city having a tendency to frighten teams and horses or dangerous to life, limb or property; to remove or cause to be removed therefrom buildings and structures that may be liable to fall and endanger life, limb or property; to preserve quiet and good order in the streets and other public places and at the arrival and departure of railroad trains; to prevent assemblages on street corners or other places in the public streets to the annoyance or inconvenience of pedestrians; to prevent persons not passengers or railroad employes from jumping on and off cars;
Dangerous buildings, etc.	<i>Twenty-ninth</i> , To prevent the erection of buildings in an unsafe manner and to pass all necessary regulations in relation to buildings deemed unsafe; to regulate and compel the closing of mill races and to regulate or improve the channel of streams flowing through the said city;
Assemblages on street corners.	<i>Thirtieth</i> , To regulate the construction of private drains, sinks, cess-pools and privies; to compel the owner or occupant to fill up drain, cleanse, alter, re-lay or repair the same and to pull down or remove any building, fence or structure which may be unsafe or liable to fall and injure persons or property or to cause the same to be done by some proper officer of the corporation, and to assess the expense thereof on the lot or premises having such building, structure, private drain, sink, cess-pool or privy thereon;
Erection of buildings.	<i>Thirty-first</i> , To fix and regulate the compensation of all officers of the city in cases not herein otherwise fixed or regulated by law; to fix and regulate the fees of justices of the peace, jurors, and witnesses in any proceeding under this act not herein otherwise fixed or regulated by law;
Mill races.	<i>Thirty-second</i> , To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions;
Private drains, cesspools, etc.	<i>Thirty-third</i> , To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common
Compensation of officers.	
Unwholesome meats, to prevent sale of.	
Houses of ill-fame, etc.	

prostitutes, disorderly houses and places; to restrain and punish the keepers thereof and persons found therein; to punish and restrain common prostitutes, vagrants and drunkards and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to secure said city and its inhabitants against injuries by fires, thieves, robbers, burglars and other persons violating the public peace;

Mock auctions.

Thirty-fourth, To prohibit and prevent, within certain limits or districts in said city, the location or construction of buildings for storing gunpowder, tanneries, distilleries, buildings for the manufacture of any combustible or inflammable material, slaughter-houses and yards, butchering shops, soap factories, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, and all buildings usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management, as the city council may make with a view to the protection of any persons or property from fire or for the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Location of buildings for gunpowder.

Thirty-fifth, To determine and regulate the construction of division or partition fences and of partition walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places and fire-arches, ovens and the putting up of stove-pipes, kettles, boilers or any structure, apparatus that may be dangerous in causing or promoting fire; to compel and regulate the cleaning of chimneys, flues, and fix the fees therefor; to compel and regulate the construction of ash houses or depositories; to guard against fire; to compel the owners of buildings to have scuttles in the roofs thereof and ladders leading thereto; to authorize the proper officers to examine all buildings and enclosures to discover whether the same are in a dangerous or unwholesome state, and to cause such as are dangerous or unwholesome to be put in a safe and wholesome condition; to authorize the officers of the city to keep all suspicious persons away from the vicinity of fires, and to compel persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Partition fences, walls, etc.

Authority of officers at fires.

Thirty-sixth, To provide for taking a census of the inhabitants of said city whenever the city council may see fit; to erect and provide for the erection of all needful buildings and offices for the use of the city or its officers and to control and regulate the same; to provide for printing and publishing matters required to be printed and published under this act or by order of the city

Census.
City offices,
buildings for.

Land for cemetery.	council; to purchase and control land for cemetery purposes either within or without the corporation limits of said city;
Indigent persons, provision for.	<i>Thirty-seventh</i> , To provide for the protection and care of indigent persons and to prohibit and prevent all persons from bringing to the city from any other place any pauper or other person likely to become a charge upon said city;
Toy pistols, to prevent sale of.	<i>Thirty-eighth</i> , To prevent and regulate the sale, giving away or keeping for sale of toy pistols and all other toy instruments and devices in which gunpowder or other explosive material is used and to prohibit the use of slings and devices commonly called "bean-flippers" and "blow-guns;"
Shade and ornamental trees.	<i>Thirty-ninth</i> , To provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of said city; to protect the same from injury and to protect the shade trees in the public streets, highways, alleys, parks and public grounds of said city from injury and destruction;
Exclusive permits prohibited.	<i>Fortieth</i> , No exclusive permits or privileges shall be granted the council to any person or persons or to any corporation for any purpose whatever;
Ordinances, etc.	<i>Forty-first</i> , Further, said common council shall have authority to enact all ordinances and make all such regulations consistent with the laws and constitution of the State as they may deem necessary for the safety, order and good government of the city and the general welfare of the inhabitants thereof and the protection of property therein, and to enforce the same by suitable fine, penalty, forfeiture, costs or imprisonment, or by fine and imprisonment, or by fine, imprisonment and costs;
Licenses, terms, manner of issuing, etc.	<i>Forty-second</i> , The common council may prescribe the terms, conditions and time, not exceeding one year, upon which licenses may be granted, and direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and prescribe the amount of money that shall be paid therefor. Licenses shall not be transferable. Every license shall be revoked by the council at pleasure; and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. The council may provide for punishment by fine or imprisonment or both, of any person who without license shall exercise any occupation or trade or do anything for or in respect to which any license shall be required, by any ordinance or regulation of the said council or by this act. All sums received for licenses granted for any purpose by the city under its authority shall be paid into the city treasury to the credit of the general fund.
Council may revoke, etc.	
Council may permit the laying of railroad tracks, etc.	SEC. 12. The common council of said city shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways, or alleys of said city as said council may deem expedient upon such terms and conditions and subject to such regulations

to be observed by the company, as the council may require; and to prohibit the laying of such track or the operating of any such road except upon such terms and conditions.

SEC. 13. The common council shall have power to require and compel any railroad company to make, keep open and repair such ditches, drains, sewers and culverts along, under and across their railroad track as may be necessary to drain their grounds and right of way properly and in such manner as the council may direct, and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirement, according to the direction of said council, said council may cause the work to be done at the expense of such company, and the amount of such expense may be collected of such company at the suit of the city of Marshall, in a civil action before any court having jurisdiction of the cause.

May require railroad company to repair ditches, etc.

In case of neglect.

SEC. 14. Said city may acquire, hold, own, control and regulate such cemeteries or public burial place or places, either within or without the limits of the corporation, as in the opinion of the common council shall be necessary for the public welfare. Said council shall have power to order the use, for burial purposes, of any burying ground or cemetery belonging to the city to be discontinued whenever they may deem the same necessary, and to provide for the return of bills of mortality and burial statistics.

Cemeteries.

SEC. 15. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the city, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and further, they shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem desirable within said city, for the following purposes:

Property and finances.

CHAPTER XIX.

CEMETERIES.

SECTION 1. Said city may acquire, hold and own such cemetery or public burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the common council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Cemeteries.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds and for the improvement,

Grounds for.

Trustees of, who to appoint.	adornment, protection and care thereof. Whenever said shall own, purchase or otherwise acquire any cemetery or cemetery grounds, the council shall appoint four trustees who shall be freeholders and electors in the city, who together with the recorder, who shall be <i>ex-officio</i> a member during his term of office, shall constitute a cemetery board of control. The four trustees so appointed shall hold their offices for the term of two years each, except that at the first appointment after this act shall take effect two shall be appointed for one year, and two for two years from the first Monday in May of the year when appointed, and annually thereafter two trustees shall be appointed. The term of office of the members of the board of control existing at the time this act shall take effect shall in no wise be altered or changed, but said members shall continue to hold their offices during their unexpired term. Said board shall serve without compensation, except the recorder who shall receive such compensation as the council shall determine, but in no instance shall he be a member except during his term of office as recorder of the city unless so appointed by the common council.
Term of office of.	
Present board of control to continue.	
Chairman of board.	SEC. 3. The board of cemetery trustees shall appoint one of their number chairman, and the recorder shall be clerk of the board. And the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, tombs and monuments therein and the appurtenances thereof; in addition to the duties herein mentioned the board shall perform such other duties relating to the cemetery as the council may prescribe.
Powers and duties of board.	
Idem.	SEC. 4. Said board subject to the directions and ordinance of the council, shall have the care and management of any cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds; cause such grounds to be laid out into lots, avenues and walks; the lots to be numbered and the avenues and walks to be named and plats thereof to be made and recorded in the office of the recorder. The board, subject to the approval of a majority of the voting members of the common council elect, shall fix the price of lots and make the conveyances thereof. The conveyances of such lots shall be executed on behalf of the city by the recorder and the mayor and recorded in his office at the expense of the purchasers.
Powers of board to fix price of lots, etc.	
Superintendents and employés.	SEC. 5. Said board shall appoint the necessary superintendents and employés for the cemetery; expend the money provided for the care and improvement of the grounds; enforce the ordinances of the city made for the management and care thereof; make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.
Disposition of moneys.	SEC. 6. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots there-

or otherwise therefrom shall be paid into the city treasury to the credit of the "cemetery fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of trustees shall report to the council semi-annually on the first Mondays in March and September, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source and from whom, and the date, amount, items and purpose of all expenditures.

Semi-annual
report of board.

SEC. 7. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

Ordinances to
protect
cemetery.

SEC. 8. The common council shall have power, and power is hereby granted, by this act to establish a cemetery trust fund, to be kept as a perpetual fund for the deposit of any money or moneys in sums not less than fifty dollars by any one owning or having charge of any lot or lots in the city cemetery, the interest upon which sum shall be used for the repair, improvement and ornamenting of the lot or lots owned or controlled by said depositors, and to the extent and as directed by the depositor of such fund, and power is hereby given to the common council by this act to receive any such sum or sums and shall allow to the depositor or depositors interest upon such sum or sums at a rate of using not less than five per cent per annum nor more than eight per cent per annum, which said interest shall be used only for the purpose of improving, ornamenting and beautifying of lots in said cemetery, and the common council shall at its second regular meeting in April of each year, or as soon thereafter as may be, determine the rate of interest to be allowed upon such fund for the fiscal term of any such year. It is further provided by this act that should the interest accruing upon any deposit in one year be in excess of the amount required or directed to be expended by the depositor or depositors of such sum or sums that any and all such excess or surplus of interest shall recur back to the common council to be credited to their cemetery fund and to be used only for the purpose of ornamenting, improving and beautifying of lots and grounds within the limits of said city cemetery at the discretion of the common council. It shall be the duty of the recorder to keep an accurate record of all such deposits and the amount of interest accruing, and to whom the same is applied and disposed of, and shall make a report annually to the common council, which report shall be made public by being published in at least one newspaper published in the city.

Trust fund to be
established, etc.

Interest, how
used.

Rate of interest.

Record of
deposits.

SEC. 9. Power is hereby given to the common council to loan any part of the fund created by this act, upon a concurrence of three-fourths of the voting members of the council in office, upon approved security and for such time and for such rate as they

Power to loan
fund.

may deem best, but such action shall in no wise destroy the responsibility of the city of Marshall to the original depositor.

CHAPTER XX.

FIRE DEPARTMENT.

Council may establish and maintain fire department.

Fire companies and firemen.

Fire engines.

Water supplies.

Buildings for engines, etc.

Power of officers at fires.

Fire wardens.

Fire limits.

SECTION 1. The common council of said city shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department, to organize and maintain fire companies, to employ and appoint firemen, to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department and prescribing the powers and duties of such employés, firemen and officers.

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires, and may sink wells and construct cisterns and reservoirs in the streets, public grounds and other suitable places in the city and make all necessary provisions for a convenient supply of water for the use of the department.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

SEC. 4. The chief engineer, mayor, recorder or chief of police, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished; and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

SEC. 5. The council shall annually appoint a fire warden for each ward of the city and may provide by ordinance for the examination by them, from time to time, of the stoves, furnaces and heating apparatus and devices in or near all the dwellings, buildings and structures within the city and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire to be put in a safe condition, and shall by ordinance fix the compensation of such fire wardens for such services.

SEC. 6. The council may prescribe by ordinance, from time to time, limits or districts within the city within which wooden buildings and structures shall not be erected, placed or enlarged,

and to direct the manner of constructing buildings within such districts with respect to protection against fire and the material of which the outer walls and roofs shall be constructed.

SEC. 7. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material in open places when, in the opinion of the council, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings, and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

SEC. 8. Every building or structure which may be erected, placed, enlarged or kept in violation of any ordinance or regulation made for the prevention of fires is hereby declared to be a nuisance and may be abated or removed by the direction of the council.

SEC. 9. The officers, firemen and employes of the department shall receive such compensation as the council may prescribe; and during their term of service shall be exempt from serving on juries.

SEC. 10. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed when deemed necessary in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor.

SEC. 11. The chief engineer may appoint such assistant engineers as said council may deem necessary, who shall have such power and perform such duties in relation to their respective offices as said common council may direct, and may also appoint such other officers of the department as they may deem proper, and prescribe their powers and duties.

CHAPTER XXI.

POUNDS.

SECTION 1. The common council may provide and maintain one or more pounds within the city, and may appoint pound-masters, prescribe their powers and duties, and fix their compensation; and may authorize the impounding of all beasts, geese and other fowls found in the streets or otherwise at large contrary to any ordinance of the city.

SEC. 2. The council may also prescribe the fees for impounding and the amount or rate of expenses for keeping and the charges to be paid by the owner or keeper of the beasts, geese or fowls impounded, and may authorize the sale of such beasts, geese or fowls for the payment of such fees, expenses and charges,

and for penalties incurred, and may impose penalties for rescuing any beast or thing impounded.

CHAPTER XXII.

POLICE.

Council may provide police force.

SECTION 1. The common council of said city may provide ordinance for a police force and for the appointment by mayor, by and with the consent of the majority of the members of the council, of such number of policemen and night-watchmen as they may think necessary for the good government of the city and for the protection of the persons and property of the inhabitants, and may authorize the mayor to appoint policemen from time to time, when in his judgment the emergency or necessity may so require, and may provide for the appointment of subordinate officers of the police and night-watchmen.

Rules for the government of police.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night-watchmen, shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, protect the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation, and the mayor is hereby authorized whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require, but such appointments, unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days.

City marshal, chief of police, duties of, etc.

SEC. 3. The city marshal shall be chief of police; he shall have the general supervision of the city, and, subject to the mayor, he shall have the direction of the police of the city. As peace officer he shall within said city be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. It shall be the duty of the marshal and police to see that all the ordinances and regulations of the city council made for the preservation of good order and for the safety and protection of the inhabitants of said city are promptly enforced.

Compensation.

SEC. 4. The chief of police, policemen, night-watchmen and officers of police shall receive such compensation as shall be provided by ordinance, and shall not directly or indirectly demand or receive from any person or corporation any extra or other compensation unless with the consent of the common council. The marshal shall prosecute under any city ordinance or regulation of said council the marshal thereof shall in addition to his other powers granted by this act, have the same powers and shall perform the same duties as are given to and performed by constables under the laws of the State; and generally he shall perform all such duties pertaining to his office as may be required by the common council.

Marshal, same powers as constables, etc.

SEC. 5. The constables of the city of Marshall, the sheriff and under sheriff of the county and deputies shall have the same powers to preserve good order and enforce the police regulations contained in this act or that may be enacted by the common council as are herein conferred on the marshal and police, and they shall have power to serve all process, writs and warrants in any prosecution or suit under the ordinances of said city, and to perform such acts in relation thereto as they perform in civil and criminal cases under the general laws of the State.

Powers of
constables,
sheriffs, etc.

CHAPTER XXIII.

SEWERS, DRAINS AND WATER-COURSES.

SECTION 1. The common council of said city may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials and under such regulations as they may deem proper for the drainage of said city, and private property or the use thereof may be taken therefor in the manner prescribed in this act for taking such property for public use; but in all cases where the council shall deem it practicable, such sewers and drains shall be constructed in the public streets and grounds.

Council to
construct
drains, etc.

SEC. 2. Whenever it may become necessary in the opinion of the council to provide sewerage and drainage for the city or any part thereof, it shall be their duty to devise or cause a plan of drainage to be devised for the whole city or for such part thereof as they shall determine.

Idem.

SEC. 3. Such plan shall, in the discretion of the council, be formed with the view of the division of the city into main sewer districts, each to include one or more main or principal sewer with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan when adopted shall be filed in the office of the city recorder.

Idem.

SEC. 4. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer and such lands as in the opinion of the council will be benefited by the construction thereof. When deemed necessary special sewer districts, to include one or more local or branch sewers, and such lands as in the opinion of the council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Sewer districts.

SEC. 5. The council may however provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the city recorder in the book of sewer records.

Trunk sewers.

SEC. 6. The cost and expenses of establishing and making any main or trunk sewers constructed without reference to sewer districts shall be paid out of the general sewer fund. Such part as the

Expenses of,
how paid.

council shall determine, being not less than one-sixth of the cost and expense of any main district sewer, or of the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

Diagrams and
plats of sewer
districts.

SEC. 7. Before proceeding to the construction of any district sewer the council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public ground, lands, lots and subdivisions thereof in the district and the proposed route and location of the sewer and the depth, grade and dimensions thereof, and shall procure an estimated cost thereof, and they shall give notice by publication for at least two weeks in one of the newspapers of the city of the intention to construct such sewer and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by persons interested with respect to such sewer.

Council when
determined to
construct shall
so declare, etc.

SEC. 8. When the council shall determine to construct a district sewer they shall so declare by resolution, designating the district, and describing by reference to the plat and diagram thereof mentioned in the preceding section the route and location, gauge and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund and what part shall be defrayed by special assessment according to benefits, and they shall cause such plat and diagram as adopted to be recorded in the office of the city clerk in the book of sewer records.

Special assessments,
how made.

SEC. 9. Special assessments for the construction of sewer districts shall be made by the board of assessors in the manner provided in this act for making special assessments.

Duty of council
on petition of
owners.

SEC. 10. When the owners of a majority of the lands liable to taxation in any sewer district, or part of the city which may constitute a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location, and if the lands including the line of such proposed sewer are within any sewer district a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the council.

Owners
required to con-
struct private
drains in cer-
tain cases.

SEC. 11. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lands and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair and free from obstructions and nuisance; and if such private drains are not constructed and maintained according to such requirements the council

cil may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained and may be collected by special assessment to be levied thereon.

SEC. 12. The owners or occupants of lots and premises shall have the right to connect the same at their own expense by means of private drains with the public sewers and drains, under such rules and regulations as the council shall prescribe. Rights of owners to connect with public sewers.

SEC. 13. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers such reasonable sum, not exceeding two dollars per year, as they may deem just in proportion to the amount of drainage through such private drain, and such charge shall be a lien upon the premises and may be collected by special assessment thereon or otherwise. Council may collect sums annually in certain cases.

SEC. 14. Such part of the expenses of providing ditches and improving water-courses as the council shall determine may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefit. The expenses of repairing public sewers, ditches and water-courses may be paid from the general sewer fund. The expenses of re-constructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof. Special assessments. Expenses of repairing, how paid.

SEC. 15. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers and to carry into effect, the powers herein conferred in respect to drainage of said city. Power of council to protect public drains.

CHAPTER XXIV.

FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city shall commence on the third Monday in March in each year unless otherwise provided by ordinance. The common council of the city shall have authority, within the limitations herein prescribed, to raise annually by taxation within the corporation such sum of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers by this act granted. Fiscal year. Tax.

SEC. 2. The revenues raised by general tax upon all property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds: Division of revenues into general funds.

First, Contingent Fund, To defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made; Contingent fund.

Second, Fire Department Fund, To defray the expense of purchasing grounds, erecting engine house thereon, purchasing engines and other fire apparatus and all other expenses necessary to maintain the fire department of the city; Fire department fund.

Third, General Street Fund, To defray the expenses of opening, widening, extending and altering streets, alleys and public grounds; for paving, curbing and graveling the intersections of General street fund.

	public streets and alleys and repairing the same; for cleaning public streets, alleys and grounds and for the construction and repair of crosswalks;
General sewer fund.	<i>Fourth, General Sewer Fund,</i> To defray the expenses of sewers, drains, ditches and drainage and the improvement of water courses;
Bridge fund.	<i>Fifth, Bridge Fund,</i> For the construction and maintenance of bridges;
Water fund.	<i>Sixth, Water Fund,</i> For constructing reservoirs and cisterns and providing other supplies of water, for maintaining water works and extending water pipes;
Public building fund.	<i>Seventh, Public Building Fund,</i> For providing for public buildings and for the purchase of land therefor and for the erection, preservation and repair of any such buildings, city hall, offices, prisons, watch-houses, hospitals, etc., as the council is authorized to erect and maintain and not herein otherwise provided for;
Police fund.	<i>Eighth, Police Fund,</i> For the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;
Cemetery fund.	<i>Ninth, Cemetery Fund;</i>
Interest and sinking fund.	<i>Tenth, Interest and Sinking Fund,</i> For the payment of a public debt of the city and the interest thereon;
Other general funds.	<i>Eleventh,</i> Such other general funds as the council may from time to time constitute.
Special funds.	SEC. 3. Revenues and moneys raised by taxation in special districts of the city may be divided into the following special funds:
Street district fund.	<i>First, A street district fund,</i> for each street district, for defraying the expenses of grading, improving, repairing and working upon the streets therein and for the payment of all street expenses which the council shall charge upon the street districts;
District sewer fund.	<i>Second, A district sewer fund,</i> for each main sewer district for the payment of the costs and expenses of sewers and drains in and chargeable to the main sewer district, when the city shall be divided into such districts;
Special assessment fund.	<i>Third, Special assessment funds.</i> Any money raised by special assessment levied in any special assessment districts or special sewer district to defray the expenses of any work, paving, improvement or repairs or drainage therein shall constitute a special fund for the purpose for which it was raised.
Aggregate amount raised, limited.	SEC. 4. The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general funds mentioned in section three of this chapter are constituted (exclusive of school and school-house purposes) shall not, except as herein otherwise provided, exceed in any one year one and one-fourth per cent on the assessed value of all taxable real and personal property in the city made taxable by law.

SEC. 5. The council may also raise by tax in each street d

strict for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one-half of one per cent on the assessed value of the taxable real and personal property in the district.

Sec. 6. The council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property of the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Funded debts of city, how paid.

Sec. 7. It shall be the duty of the council to cause estimates to be made in the month of June in each year of all the expenditures, which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire department, and for defraying the current expenses of the year, and for every other purpose for which any money will be required to be paid from any of the several general funds during such fiscal year; and also to estimate the amounts that will be required to be expended from the street district funds during such fiscal year in working upon, improving and repairing the streets in the several districts of the city.

Estimates of expenditures, when made.

Sec. 8. The council shall also in the same month determine the amount or part of any special assessments which they require to be levied or re-assessed in the next general tax rolls of the city upon lands in any main sewer or special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Council shall determine amount of special assessment, etc.

Sec. 9. The common council shall also, on or before the third Monday in June in each year, pass or adopt a resolution to be termed the annual appropriation bill, in which they shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporations for the next fiscal year, payable from the several general funds and from the street district funds as estimated and determined upon as provided in section seven of this chapter, and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy, or by loan, or by both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections four, five and six of this chapter to raise by general tax during the year. The council shall specify in such resolution the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose and to each of the general funds and street district funds. The council shall also

Council to pass annual appropriation bill, etc.

Objects of appropriations to be specified, etc.

Sums to be designated.

designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be levied or re-assessed with the next general assessment as mentioned in section eight of this chapter, and the disposition to be made of such moneys; and shall also designate in said bill any local improvements which they may deem advisable to make during the next fiscal year, to be paid for in whole or part from special assessments, and the estimated costs thereof; and shall at the same time, by resolution, levy the aggregate of the taxes mentioned in such appropriation bill upon the taxable property within said city.

When no further sums to be raised, etc.

SEC. 10. After the passage of the annual appropriation bill no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund during the fiscal year in which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a unanimous vote of the common council, approved by the mayor: *Provided,*

Provido.

the same shall not exceed one-half of one per cent in any year. It shall be lawful for the common council to levy the same upon the taxable property of the city and to cause the same to be collected in the assessment roll of the city to be issued next after the levy of such tax, and be collected in the manner provided for the collection of other city taxes; but this section shall not prohibit the council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year, and from loaning money therefor. Such tax shall be levied and collected with the next annual tax levy and may be in addition to all other taxes herein provided for.

Repairs necessitated by casualty, etc., allowed.

No improvement to be ordered, etc., unless appropriations have been made therefor—exceptions.

SEC. 11. No improvement, works, repairs, or expense, to be paid for out of any general fund, except the contingent fund, or from the street district fund, excepting as herein otherwise provided, shall be ordered, commenced or contracted for or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor in the last preceding annual appropriation bill; nor shall any expenditure be made or liability incurred in any such fiscal year for any such work, improvement, repairs, or for any purpose, exceeding the appropriation so made therefor; nor shall any expenditure be made or money be drawn out of any general fund, except the contingent fund, nor from the street district fund, for any purpose unless appropriated for that purpose in said bill.

Should greater amount be required, how raised.

SEC. 12. Should any greater amount be required in any fiscal year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvement purposes to be paid [for] from the general funds of the city, can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax, if authorized.

ized by a majority vote of the electors voting upon such question at an annual or special city election. The amount that may be voted or raised in any year under the provisions of this section shall not exceed one per cent of the assessed valuation of the property in the city, as shown by the last preceding tax rolls, and shall be raised with the next annual city tax.

Limit of amount.

SEC. 13. The proposition to raise such additional amount shall be submitted to a vote of the electors by a resolution of the common council, approved by a two-thirds vote of the voting members elect, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such resolution shall be passed and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each ward of the city at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Proposition to raise amount submitted to vote of electors.

SEC. 14. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the time of the adoption of the annual appropriation bill. In such case the surplus may be transferred to the sinking fund, or contingent fund, as the council may direct by resolution adopted by two-thirds vote of all the members elect. Money received not appropriated for any particular fund shall be credited to the contingent fund.

Moneys raised for special fund credited thereto, etc.

SEC. 15. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the recorder, countersigned by the mayor. Such warrant shall specify the purpose for which drawn and the fund from which it is payable, and shall be paid from no other fund.

How moneys drawn from treasury.

SEC. 16. All city taxes provided by this act to be assessed, levied and collected, shall be assessed and levied previous to the first Monday of August, and shall be collected on or before the fifteenth day of September, in this and each and every year hereafter, but it shall be necessary to make but one assessment in each year; and the common council shall also have power and authority to make and establish all necessary by-laws and ordinances for the collection of the same, and every assessment of tax lawfully imposed by the common council on any lands, tenements, hereditaments, or premises whatsoever in said city, shall be and remain a lien on such lands, tenements, hereditaments and premises from the first Monday of August of the year in which such assessment is made until paid, and the owner or occupant or parties interested in such real estate shall be liable to pay every such tax levied as aforesaid.

Time for assessing and collecting taxes limited.

SEC. 17. The council shall also have authority to raise

Power of
council to
borrow money.
Amount
limited.

money by loan, in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Idem.

SEC. 18. No loans shall be made by the council, or by any authority in any one year, exceeding the amount prescribed by this act or voted at any election. For any loans lawfully made the bonds of the city may be issued bearing a legal rate of interest. A record showing the dates, numbers and amounts of bonds issued and when due shall be kept by the city recorder. Each bond shall show upon its face the class of indebtedness which it belongs and from what fund it is payable.

Assessments,
when and by
whom made.

SEC. 19. The supervisor of each ward in said city shall each year, on or before the third Monday in May, make and complete an assessment of all the real and personal property in the ward liable to taxation under the laws of the State and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of the State, and as if each ward were a township and in so doing they shall conform to the provisions of law governing the actions of supervisors of townships performing like services, and shall have the same powers as such supervisors, and in all other respects they shall, unless otherwise provided in this act, conform to the provisions of law applicable to the actions and duties of supervisors in townships in the assessment of property, the levying of taxes, and in the issuing of warrants for the collection and return thereof.

Board of
review, who to
constitute.
Meeting of
board.

SEC. 20. The supervisors of the city shall constitute a board of review of assessments, and immediately after the completion of their assessments as provided in the preceding section, and on the Tuesday next following the third Monday in May, and before any tax shall be levied on the same, said board of review shall meet at some convenient place within the city limits, of the time and place of which meeting they shall previously give notice by publishing the same once in each of the papers published in said city during the week next preceding the day of meeting. They shall also meet at the same place on the fourth Monday of May and shall continue in the session on both of said occasions the same length of time as provided by the State law for the session of township boards of review. For the purpose of reviewing assessments said board of review shall have the same powers and perform the same duties in all respects, so far as applicable and not otherwise provided for by this act, as boards of review of townships in reviewing and correcting township assessments made by them, and for such services shall receive the same compensation.

Powers and
duties of board.

Board to
examine rolls of
wards relative
to valuations.

SEC. 21. Said board of review shall also examine the assessment rolls of the different wards and ascertain whether the relative valuation of the real property in the respective wards has been equally and uniformly estimated. If on such examination they shall deem such valuation to be relatively unequal, they

shall equalize the same by adding to or deducting from the valuation of the taxable property in any ward or wards such an amount, as in their judgment, will produce relatively an equal and uniform valuation of the real property in the city, and the amount added to or deducted from any rolls shall be entered in their records. They shall also cause to be entered in their records the aggregate valuation of the taxable, real and personal property of each ward in the city as determined by them. Such equalization shall be for the purpose of equalizing the city and other local taxes as distinguished from State, school and county taxes, and the rolls of each supervisor shall be equalized by the county board of supervisors the same as the rolls in the different townships in the county. The board shall also make such alteration of the names of persons or the description of lands upon such rolls, as may be necessary to render such name or description conformable to this act and the requirements of the State law. They shall also apportion the various city and other taxes, except State, school and county taxes to the different wards; and for the purpose of such apportionment they shall take official notice of the general appropriation bill passed by the city council.

Aggregate valuation, records of.

Apportionment of taxes.

SEC. 22. Such apportionment shall be in proportion to the valuation of the taxable property, real and personal, in the different wards, as determined by themselves as a board of review for that year, and shall be entered at large on their records. Said board of review shall have authority to equalize, alter, amend and correct any assessment or valuation, and to place on the assessment rolls of the city any taxable property, real or personal, liable to assessment and not already assessed, and to strike from said roll any property wrongfully thereon. When said board of review shall have reviewed, equalized, apportioned and corrected the assessment rolls for any year, they shall add their certificate to such rolls signed by at least a majority of them, showing that they have reviewed, equalized, apportioned and corrected the same. The roll of each ward shall then be delivered to the supervisor of the same.

Apportionment in proportion to valuations of property, etc.

Certificate of board.

SEC. 23. It shall be the duty of each supervisor, whenever the city assessment roll shall have been completed, and previous to the first Monday of August in each and every year, to assess the taxes that have been levied by the common council, according and in proportion to the individual and particular estimate and valuation specified in the assessment roll of the city for the year. They shall, on the first Monday of August in this and each and every year thereafter, deliver to the treasurer a copy of said assessment roll, with the taxes annexed to each valuation, and such portion of said taxes as is levied on account of any indebtedness of the city, shall be carried out in one column, and so much thereof as is levied for all other expenses of said city shall be carried out in another column, and the totals of all of said portions shall be carried out in the last column of said roll. He shall then annex thereto a warrant, under the hands of the supervisor, command-

Supervisor to assess taxes according to estimate specified in roll, etc. Shall deliver to treasurer a copy of roll.

Warrant.

Separate roll for
State, county
and school
purposes.

Salary of
treasurer.

Manner of
collecting taxes
by treasurer.

Certain taxes
unpaid, how
collected.

ing the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, on or before the fifteenth day of September of that year, and it shall authorize said treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person in the same manner as is or shall be provided by law in case of township treasurers. Immediately after the common council shall have levied any taxes, the recorder shall certify to the supervisor the amounts thereof. It shall also be the duty of the supervisor to make a separate assessment roll for the collection of taxes levied and assessed for State, county and school purposes, but if it shall not be necessary to make a new or different assessment therefor; said State, county and school taxes shall be carried out in separate columns, and he shall also carry out the total amount of taxes in the last column of said roll; he shall deliver to said treasurer a copy of said assessment roll, within the same time provided for townships, and shall annex thereto a warrant under the hands of the supervisor, commanding the treasurer to collect from the several persons named in said roll the several sums mentioned in the last column thereof opposite their respective names, on or before the day specified in said warrant, and shall authorize said treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons, in the same manner as is or shall be provided in cases of township treasurers. Whenever the common council shall fix a salary for said treasurer, as they are hereby authorized to do, then any percentage collected by him on all taxes shall be paid into the general expense fund of said city for the use of said city.

SEC. 24. The city treasurer, upon receiving such tax rolls and warrants, shall forthwith proceed to collect such taxes in the same manner as provided in the State law for the collection of taxes by township treasurers in townships, and charging the same percentage for collection fees as in said State law provided.

SEC. 25. If upon the return of the warrant and assessment roll it shall appear that any tax or assessment, other than State or county, remains unpaid, the same may be collected from the person or persons liable to pay the same, by suit in the name of the city of Marshall, before any court of competent jurisdiction. In any such suit a declaration on the common counts for money had and received shall be sufficient, and the production of an assessment roll on the trial of any action brought for the recovery of a tax or assessment therein assessed may, upon proof that it is the original assessment roll, with the warrant of the supervisor of the ward thereto annexed, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax or assessment therein against the defendant in such suit it shall be *prima facie* evidence of the legality of the assessment of the same, and the court before whom the case may be pending shall proceed to render judgment against the defendant unless he shall

make it appear that he has paid such tax or that the same is illegal.

SEC. 26. At the expiration of his warrant the treasurer shall return to the recorder a statement, containing the names of all persons who have failed to pay any tax or assessment assessed to them in said rolls except State, school and county taxes, together with a description of the property upon which such tax or assessment was levied; and in such statement the amount of the different taxes shall be placed in separate columns to correspond with the assessment rolls, and said treasurer shall verify such statement by his affidavit. Such statement and affidavit when certified to by the recorder shall be *prima facie* evidence of the regularity of said proceedings in all the courts in this State. Any tax returned unpaid may at any time before sale of the premises upon which the same was levied for the non-payment thereof, with the interest thereon computed at the rate of ten per cent per annum and costs of advertising for sale, if advertising for sale shall have been commenced, be paid to the city treasurer at any time before sale, and upon payment of the same the treasurer shall credit the same to the general fund and give his receipt therefor. Said city treasurer shall take the same proceedings in relation to returns for State, school and county taxes delinquent as are required by the State law to be taken by township treasurers. The county treasurer shall have jurisdiction of delinquent tax sales of lands returned as delinquent upon any of the tax-rolls of the various wards of the city, so far as relates to delinquent State, school and county taxes only.

Statement, etc.,
returned to
recorder.

SEC. 27. Whenever any such tax or assessment other than State, school and county and the interest thereon, which shall be computed at the rate of ten per cent per annum until paid, shall remain unpaid for two years from the date of the warrant to the city treasurer as aforesaid, the treasurer shall cause so much of the land, charged with such tax and assessment and interest, to be sold at public auction at some public place in said city to the highest bidder, as shall be necessary to pay the said taxes and assessments and interest together with all charges thereon, first giving at least two months' notice of the time and place of said sale, by advertisement posted up in three of the most public places in said city, or by causing the same to be published in some newspaper printed and circulated in said city, once at least in each week for six successive weeks, and an affidavit of the posting of such notices, made by the person or persons posting the same, or if published in a newspaper then by the publisher, printer or foreman of the same, filed with the recorder of the city, and entered by him in the record of the proceedings of the city council, shall be deemed *prima facie* evidence of the fact of such posting or publication.

Sale of lands by
treasurer.

Notice of sale.

SEC. 28. If in making sale of any lot or parcel of land for non-payment of taxes or assessments, it shall not be necessary to sell the whole lot or parcel taxed or assessed, the treasurer shall determine from what part of such lot or parcel of land the part or portion sold shall be taken.

Only such
amount to be
sold as nec-
essary, etc.

How land sale
to continue.

Certificate to
purchaser.

Conveyance,
when to be
made.

When new
warrant may be
issued.

Extension of
time.

proviso.

SEC. 29. On the day mentioned in said notice the said treasurer shall commence the sale of said lands, and continue the same from day to day, until so much thereof shall be sold as will pay the taxes and assessments, as aforesaid, with the interest and charges due assessed and charged thereon, as aforesaid; and the said treasurer shall give to the purchaser or purchasers of such lands a certificate in writing describing the lands purchased, and the sums paid therefor, and the time when the purchaser will be entitled to a deed for the said lands; and unless within two years from the date of the sale thereof there shall be paid to the treasurer for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with the interest thereon at the rate of ten per cent per annum from the date of such certificate, the treasurer or his successor in office shall at the expiration of said two years execute to the purchaser, his heirs or assigns, a conveyance of the lands so sold, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate in fee simple, except it may appear that the tax or taxes have been paid subject to all the claims the State shall have thereon; and the said conveyance shall be *prima facie* evidence that the sale, and all proceedings upon which such sale is founded, were regular according to the provisions of this act; and every such conveyance executed by said treasurer under his hand and seal, witnessed and acknowledged and recorded in the usual form, may be given in evidence in the same manner and with like effect as a deed, regularly executed and acknowledged by the owner and duly recorded, may be given in evidence.

SEC. 30. Whenever the treasurer shall not be able to collect any city tax on personal property, on account of the absence of the person so taxed or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the treasurer for the collection of such tax, and thereupon said warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the treasurer shall charge and collect interest on all such taxes at ten per cent per annum from the time of returning the tax-roll until the day of collection. The common council may, at any time after a tax-roll shall have been placed in the hand of the treasurer for collection, extend the time for the collection thereof, in their discretion, not exceeding sixty days from the original return day thereof: *Provided*, That the time for the collection of State, county and school taxes shall not be extended for a greater length of time than is or may be provided by law for the extension of the time for the collection of taxes by township treasurers, and it shall also be lawful for the treasurer, in the name of the city, to sue the person or persons against whom any such personal property tax was assessed, after the return of the assessment roll, before any court of competent jurisdiction, and to have, use and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax. Executions issued upon judgments rendered for every such

tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes, and the proceedings of any officer with such execution shall be the same in all respects as is now or shall be hereafter directed by law. The production of any assessment roll on the trial of any action brought for the recovery of any tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed, of the city, be read or used in evidence, and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same, and the court before whom the case may be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax, and no stay of execution shall be allowed on any such judgment.

Roll as
evidence.

SEC. 31. For the purpose of assessing and levying taxes in said city under this act for State, county, school and library purposes, each ward shall be considered the same as a township, and all provisions of law relative to the collection of taxes levied in townships shall apply to the collection of taxes levied and assessed by the supervisors in such city, except as herein otherwise provided. For the purpose of collecting taxes and returning property for non-payment thereof, the city treasurer shall perform the same duties and have the same powers as township treasurers, except as herein otherwise provided.

Law relative to
collections same
as in township.

SEC. 32. If any parcel of land cannot be sold to any person for the tax, interest and charges, such parcel shall be passed over for the time being, and after the advertised list has been offered, and before the close of the sale, all such descriptions as have not been sold shall be re-offered, and if on such second offer or during the sales the same cannot [be sold] for the amount aforesaid, said treasurer shall bid off the same for the city.

When land
cannot be sold
for sufficient
amount.

SEC. 33. All lands bid in for the city, as provided in the last preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the city, and such tax shall be a charge upon said land.

Lands bid in,
etc., liable for
tax.

SEC. 34. The common council may affix the amount that shall be charged for advertising the sale of lands for non-payment of taxes, but such amount shall in no case exceed fifty cents for each description of land, and the expenses in advertising any land for sale in pursuance of this act shall, by the treasurer, be added to such taxes respectively as are charged upon lands unpaid, in proportion to the number of descriptions of land assessed to each person.

Charges for
advertisement.

SEC. 35. In case of distress and sale of goods and chattels for the payment of any tax, the treasurer or collecting officer may also collect on such sale one dollar and twenty-five cents over and above the tax as his fees for making such distress and sale, together with all legal court costs.

Distress and
sale.

SEC. 36. Executions issued upon judgments rendered for any

Executions,
how levied.

tax may be levied upon any property without exemption same as though seized for sale under warrants issued for the collection of taxes by township supervisors, and collected in the manner, in all other respects, as provided by law for the collection of judgments.

Taxes levied, a
lien.

SEC. 37. All taxes levied upon real estate and all assessments and charges made thereon, for any purpose, shall remain a lien thereon from the time the same are levied and confirmed and paid.

When wards
considered as
townships.

SEC. 38. For the purpose of assessing, levying and collecting taxes in the city of Marshall for State, county, city, school and other purposes, each ward shall be considered as a township and all provisions of law relative to collection of taxes levied in townships, shall apply to the collection of taxes assessed and levied in the different wards of the city of Marshall, except as in this act otherwise provided, or when the provisions of this act are inconsistent therewith.

CHAPTER XXV.

SPECIAL ASSESSMENTS.

Relative to
special
assessments.

SECTION 1. When by the provisions of this act the cost of any local or public improvement may be defrayed by special assessments upon lands abutting upon and adjacent to the improvement, otherwise benefited by the improvement, such assessments may be made as in this chapter provided.

Board of
assessors.

SEC. 2. The supervisors of the several wards, or a majority of them, of said city of Marshall, shall constitute a board of assessors for making special assessments. If a member of the board of assessors shall be interested in any particular special assessment, the common council shall appoint some other person to act in his stead in making the particular assessment, who for the purposes of that assessment shall be a member of the board.

Duty of council
when deter-
mined to make
improvement.

SEC. 3. When the common council shall determine to make any public improvement or repairs, and defray the expense thereof by special assessment, they shall so declare by resolution, stating the improvement, and shall designate the lands and premises upon which the special assessment shall be levied.

When council
shall make
plats, etc.

SEC. 4. Before ordering any public improvement or repairs, the expense of which is to be defrayed by special assessment, the common council shall cause estimates of the expenses thereon to be made and also plats and diagrams, when practicable, of the work and of the locality to be improved, and file the same with the recorder.

What to be
included in
expenses.

SEC. 5. The costs and expenses of any improvement which may be defrayed by special assessment shall include the cost of surveys, plans, assessments, notices, advertising and cost of construction.

When special
assessments
may be made.

SEC. 6. Special assessments to defray the cost of any improvement may be levied before making the improvement.

SEC. 7. When any special assessment is [to be] made *pro rata* upon lots and premises for any improvement, according to frontage or benefit, the common council shall, by resolution, direct the same to be made by the board of assessors and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises or locality to be assessed.

Assessments,
when to be
made *pro rata*.

SEC. 8. Upon receiving such order and directions the board of assessors shall make out an assessment roll, entering and describing therein the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon against such persons and against the lands assessed to them, the amount to be assessed, in the manner directed by the common council and the provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the common council.

When board to
make roll.

SEC. 9. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied, as the length of front of such premises, abutting upon the improvement, bears to the whole frontage of all lots to be assessed, unless on account of the shape or size of any lot an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement.

Duty of assess-
ors in certain
cases.

SEC. 10. When any expense shall be incurred to the city upon or in respect to any single or separate lot or parcel of land or premises, which by the provisions of this act the common council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land, on account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, the name of the owner or person chargeable therewith shall be reported to the common council in such manner as the council shall prescribe.

Name of owner
to be reported
to council in
certain cases.

SEC. 11. The common council shall determine the correctness of such account, and the person if known, against whom and the premises upon which the same shall be levied as a special assessment; and as often as the common council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported to the assessors of said city for assessment.

Council to
determine
correctness of
such account.

SEC. 12. Upon receiving such report mentioned in the preceding section, the board of assessors shall make a special assessment roll and levy as a special assessment thereon upon each lot or par-

When board
shall make
special
assessment, etc.

cel so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all charges directed as aforesaid to be levied upon each of such lots or parcels respectively, and when completed they shall report the assessment to the common council.

Filing of assessment.

SEC. 13. When any special assessment shall be reported by board of assessors to the common council as in this chapter directed, the same shall be filed in the office of the recorder numbered. Before confirming the assessment, the common council shall cause notice to be published for one week at least in a newspaper of the city of the filing of the same with the recorder, and appointing a time when the common council board of assessors will meet to review the assessments. Any person objecting to the assessment shall file his objections therewith in writing with the recorder of said city on or before the review.

Review of assessment.

SEC. 14. At the time appointed for that purpose as aforesaid the common council and board of assessors shall meet, and thereat or at some adjourned meeting review the assessments, and the common council shall correct the same if necessary and confirm it, or they may refer the assessment back to the assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment.

Duty of recorder when assessment shall be confirmed.

When a special assessment shall be confirmed, the city recorder shall indorse a certificate thereof upon the roll of each supervisor in whose ward the whole or any part of such special assessment shall be made, of the special tax belonging to and to be assessed in his ward and showing the date of confirmation.

When special assessment final.

SEC. 15. When any special assessment shall be confirmed by the common council it shall be final and conclusive. Special assessments shall be due and payable on confirmation.

Special assessments a lien.

SEC. 16. All special assessments shall from the date of confirmation thereof constitute a lien upon the respective lots and parcels of land assessed, and shall be a charge against the person by whom assessed till paid.

Duty of council when special assessment insufficient.

SEC. 17. Should any special assessment prove insufficient to pay the improvement or work for which it was levied and the expense incident thereto, the common council may make an additional pro rata assessment to supply the deficiency, and in case a larger amount has been collected than necessary the excess shall be refunded ratably to those by whom it was paid.

Duty of council when assessment is invalid.

SEC. 18. Whenever any assessment heretofore or hereafter made shall in the opinion of the common council be invalid for reason of irregularity or informality in the proceedings, or if a court of competent jurisdiction shall judge such assessment to be illegal, the common council shall, whether the improvement for which it was made or not or whether any part of the assessments has been paid or not, have power to cause a new assessment to be made for the same purposes for which the former assessment was made.

Manner of conducting proceedings.

All the proceedings on such re-assessment and for the collection thereof, shall be conducted as near as may be in the same manner as herein provided for the original assessment, and whenever

sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises and the re-assessment shall to that extent be deemed satisfied.

SEC. 19. No judgment or decree, nor any act of the common council vacating a special assessment for an irregularity occurring after the same shall have been levied, shall destroy or impair the lien of the city on the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Vacating assessment not to impair lien.

SEC. 20. Whenever any special assessment shall be confirmed and be payable, the common council may cause the levy of the sums therein mentioned upon the respective lots and premises to which they are especially assessed, and against the persons chargeable therewith, as a tax upon the tax-roll of the supervisor in whose ward the whole or any part of such special assessment shall be made next thereafter to be made, of the tax belonging to his ward in a column of special assessments, and thereupon the amount so levied in said tax-rolls shall be collected and enforced with other taxes in the city and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when paid shall be paid into the city treasury.

Duty of council when special assessment is confirmed.

SEC. 21. When any special assessment shall be confirmed and be payable, as hereinbefore provided, the common council, instead of requiring the assessment to be levied in the city tax-rolls as provided in the preceding section, may direct the assessment to be made in a special assessment roll and to be collected directly therefrom, and thereupon said board of assessors shall cause to be attached thereto a warrant under their hands as a majority of said board, commanding the city treasurer of the city to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chattels of such person, and that he pay the money collected into the city treasury and that he return the said roll and warrant, together with his doings thereon, in thirty days from the date of such warrant. Such warrant may be renewed from time to time by the common council, not exceeding ninety days in all, and after the first renewal it shall be lawful to charge three per cent upon each unpaid assessment as cost of collection, and after each and every other extension or renewal it shall be lawful to charge four per cent.

Special assessment roll.

SEC. 22. Upon receiving said assessment roll or rolls and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall refuse or neglect to pay his assessment on demand, the city treasurer shall seize and levy upon any personal property found within the city or elsewhere within the county belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of sale

Duty of treasurer on receipt of roll.

by posting such notices in three of the most public places in city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for the purpose, shall be applied to the payment of the assessment for the cost and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto. The proceedings of the city treasurer in making such seizure and sale, and the fees therefor, shall be the same as in making distress and sale of property for non-payment of taxes as provided in chapter twenty-four of this act.

Idem.

SEC. 23. The city treasurer shall pay the moneys and all costs and expenses collected by him into the city treasury, and file a statement thereof with the recorder. He shall also make return of said assessment roll and warrant according to the requirements of the warrant. In case any assessment shall be finally returned unpaid by the city treasurer, he shall make a statement thereof containing the names of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each, verify such statement by his affidavit and file the same with the city recorder. In case any assessment shall be finally returned by the city treasurer unpaid, as aforesaid, the same shall then be re-assessed by the city assessors, with interest included at the rate of ten per cent per annum from the date of the confirmation of the assessment until the date of the passage of the next annual appropriation bill in the next tax-roll or rolls, and be collected and paid in full in respects as provided in sections twenty and twenty-one of chapter.

Special assessment, how recovered.

SEC. 24. At any time after a special assessment has become due and payable, the same may be recovered by suit in the name of the city of Marshall against the persons assessed in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and a certified copy of the resolution confirming the same, shall be *prima facie* evidence of the regularity of all proceedings in making the assessment, and of the right of the city to recover judgment therefor.

Power of court in case of irregularities in assessment.

SEC. 25. If in any such action it shall appear that, by reason of irregularities or informality, the assessment has not been properly made against the defendant, or upon the lots [lot] or premises sought to be charged, the court may, nevertheless, on satisfactory proof that the expense has been incurred by the city, which is proper charge against the defendant or the lots [lot] or premises in question, render judgment for the amount properly charged against such defendant or upon such lot or premises.

To what assessments the foregoing provisions apply.

SEC. 26. The provisions of the last two preceding sections shall apply as well to assessments made before the passage of this act and remaining unpaid, or to those made after its passage.

CHAPTER XXVI.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Whenever it is deemed necessary by the common council to take or appropriate any private property, right of way, interest or estate therein, for any public improvement or use, the proceedings therein shall be as follows. viz.: The common council shall declare first, by resolution, that they deem it for the interest of said city to take the property, interest or estate therein proposed to be taken, and the particular purpose for which it is proposed to take the same. The said common council shall thereupon cause notice thereof to be given to the owners or occupants or persons interested, or his or their agent or representative, so far as they can be ascertained, by personal service, or by posting up such notices in three or more public places in said city, stating the time and place when and where said council will meet to consider such resolution, which notice shall describe the property and the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same; and which notice shall be served or posted up as aforesaid at least ten days before the time of meeting. If after hearing the persons interested who may appear at such meeting the said common council shall still deem it for the interests of said corporation to take such property, interest or estate therein, for the particular public use or improvement mentioned, they shall confirm said resolution, and then they may proceed to treat with the parties interested in the property proposed to be taken and obtain a release or conveyance thereof by gift or purchase. If such conveyance or release shall not be obtained by treaty from said parties or any of them, then it shall be lawful for the mayor of said city, or in case of his absence from the city, for the recorder to apply to any justice of the peace of said city, and in case of his or their inability to act, then to apply to the judge of probate of Calhoun county for the appointment of a jury of twelve freeholders of the city to inquire into the necessity of taking and using such grounds or premises for the purposes specified, and to appraise the damages thereon to such persons as shall have not released all claim for damages, or agreed with the mayor or common council on the price to be paid by reason of the taking or using of such private property, interest or estate therein, for such specified purpose, which application shall describe the grounds and premises and the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same. Notice of such intended application, together with a copy of the same, shall be served on the parties interested in the property proposed to be taken, who have not released or agreed upon the compensation to be received therefor at least four days before the same is presented to such justice of the peace or probate judge. Such service may be made on such persons personally, or by publication, for the same length of time

Private property for public uses.

Proceedings of council.

Council may purchase property.

Proceedings in case of failure to obtain by treaty.

Application for jury.

Notice of application.

Duty of justice or judge.	<p>in some newspaper printed in said city. Upon the receipt of such application, the justice of the peace or probate judge to whom the same is presented, shall make a list of twelve disinterested freeholders residing in said city, having the qualifications of jurors of the courts of record of the State, and shall issue a <i>venire</i> under his hand, directed to the marshal or any constable of the city or town of Marshall, commanding the officer therein named to summon the persons named in said list to be and appear at his office, or at some other convenient place in said city to be therein designated on some day to be therein named, not less than six nor more than twelve days from the time of issuing the same, to serve as jurors to inquire into the necessity of taking such grounds or premises and to appraise the damages occasioned by taking the property, interest or estate therein mentioned and described in such application, for the purpose therein mentioned. If all the jurors shall not appear, or if any be disqualified for any reason, the said justice of the peace or probate judge shall cause a sufficient number of talesmen, having the qualifications aforesaid, to be summoned, as aforesaid, to make a full jury. No person shall be incompetent to serve as a juror on account merely of such interests as he may have in common with the inhabitants of the city in the result of the proceedings. Any person summoned as a juror may, on the demand of any person or persons interested, be sworn and examined touching his competency to act as a juror in the proceedings, and if it appear on such examination to the satisfaction of the justice of the peace or probate judge before whom such proceedings are had, that any juror is directly interested in such proceeding, or unduly biased or prejudiced in regard thereto, such juror shall be excused. The jurors shall be sworn by such justice of the peace or probate judge to inquire into the said necessity, and to appraise the damages occasioned by taking the property, estate or interest [interest or estate] therein described in such application, for the purpose aforesaid. They shall proceed to view the premises described and hear proofs, and within five days thereafter make return in writing to the said justice of the peace or probate judge before whom the proceedings were had, signed by them, of their doings, which shall state their finding in regard to the necessity aforesaid and the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said justice of the peace or probate judge, under seal, and forthwith filed in the recorder's office. Such jurors shall be entitled to receive one dollar and fifty cents per day. The judge of probate or the justice of the peace before whom such proceedings are had shall receive for his services five dollars for such proceedings. The fee of the officer summoning such jury shall be one dollar.</p>
Jury.	
Oath of jurors.	
Duty of jury.	
Compensation.	
Powers of council relative to award of jury.	<p>SEC. 2. The council may confirm or disaffirm by resolution the award of the jury in any case. In case of disaffirming the same it shall be lawful for said council to institute new proceedings, at any time after the lapse of six months from the date of such award, to appropriate the same property. In case the award of</p>

jury be confirmed by said common council, then in such case the award shall be final and conclusive. A copy of said proceedings, certified by the recorder, under the seal of the city, shall be received as *prima facie* evidence of said proceedings in all of the courts of the State.

SEC. 3. The damages which shall have been awarded as here-
inbefore provided, or which shall have been contracted to be paid
by the common council, and the fees and charges lawfully incurred,
shall be levied and collected in said city, and shall be paid on the
order of the council as other city charges, and the damages shall
be paid or tendered to any person or persons in whose favor such
award of damages shall be made, if known, before such property,
interest or estate therein, shall be appropriated to public use. If
any party or parties in whose favor an award of damages shall be
made are unknown or non-residents, it shall be sufficient to make
the award of damages to "the unknown owner or owners" or
"non-resident owner or owners" of any parcel of land taken,
interest or estate therein; and the unknown parties or non-resi-
dents shall be entitled to receive their orders, as aforesaid, upon
proof to the common council of their ownership of the property
so appropriated to public use. When damages or compensation
shall have been paid or tendered to the person or persons entitled
thereto, or an order on the city treasury for the amount of such
damages shall have been executed and delivered or tendered to
such person or persons, if known, and residents of said city, the
common council shall have full power and authority to enter
upon and appropriate such property to the use for which the
same was taken, and for that purpose may employ such assistance
as may be necessary.

Damages
awarded, how
paid.

SEC. 4. The jury shall consider upon each parcel of land
described in the application to the justice of the peace or pro-
bate judge separately. If only part of any lot or parcel of land
shall be taken, they shall estimate the whole damages occasioned
thereby, and also any special and particular benefits resulting to
the remainder of the premises from the proposed improvements,
and shall award as damages and compensation such sum only as
shall remain after deducting said estimated benefits. If several
persons shall have separate claims upon the same lot or parcel of
land as owners, mortgagees, lessees or otherwise, and the same
shall be made to appear to said jury, they shall apportion to each
such share of the damage awarded as shall be just. Damages and
compensation for taking the lands of any deceased person may be
awarded to his estate.

Jury to consider
each parcel and
claim sepa-
rately, etc.

SEC. 5. A disagreement of the jury as to one or more distinct
parcels of land shall not affect the awards and report in which
they have agreed; and upon any disagreement the justice of the
peace or probate judge before whom the proceedings have been
instituted may, upon the motion of the city attorney, impanel
a new jury in the same manner as provided for impaneling the
original jury, and like proceedings shall thereupon be had con-
cerning any lands in which there was a failure to agree, and a new

Effect of disa-
greement of
jury.

In case of a juror's inability to discharge duty.

jury may in like manner be had as often as necessary. If a juror during the course of the proceedings shall be unable to discharge his duties, the justice of the peace or probate judge, before whom the proceedings are had may appoint another in his place, who shall have the qualifications and be sworn and execute the same duties as the other jurors of the panel; but in such case the proceedings shall begin anew from the empaneling of the jury.

Incompetent person represented by guardian.

SEC. 6. At the time of making the application to the justice of the peace or probate judge for the impaneling of a jury, at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of the State, and service of all notices required to be made may be made on such guardian; but if there should be no guardian, or if no such guardian shall appear to represent an infant or incompetent person, the justice of the peace or probate judge, before proceeding with the matter, shall appoint some other interested person as guardian *ad litem* to protect the interests of the person for whom he is appointed, and such guardian *ad litem* shall have authority to receive and receipt for all damages and compensation awarded to his or her ward, and such ward shall be bound thereby.

Powers and duties of judge of probate to whom application is made.

SEC. 7. In case of the application being made in the first instance to the judge of probate of Calhoun county, it shall be the duty of the judge of probate to act in the premises in such instance; and he shall have the same powers and jurisdiction therein, and his acts when certified to by him shall be entitled to the same faith and credit as if he were in fact a justice of the peace.

CHAPTER XXVII.

ORDINANCES.

Style of ordinances.

SECTION 1. The style of all ordinances shall be: "Be it ordained by the common council of the city of Marshall." All ordinances shall require for their passage the concurrence of a majority of all the members of the common council.

Power of council relative to ordinances.

SEC. 2. When by the provisions of this act the common council of said city has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, or imprisonment not exceeding six months or both, in the discretion of the court, together with the cost of prosecution for each violation of any of said ordinances; and provide that the offender on failing to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any term not exceeding six months, unless payment thereof is sooner made, and may direct such imprisonment to be in the county jail of Calhoun county. Such fine, penalty, forfeiture or imprisonment for the violation of any ordinance shall be as prescribed therein.

SEC. 3. No by-law or ordinance shall be of any effect until the same shall have been published at least once in each week for two successive weeks in some newspaper printed and published in said city.

When by-laws, etc., to be of effect.

SEC. 4. Immediately after any by-law or ordinance shall have become operative it shall be the duty of the recorder to enter the same, together with the evidence of its publication, in a book to be kept by him in his office for that purpose and to be known as the "book of ordinances," and he shall certify thereto the ordaining of such ordinance or by-law. Whenever any by-law or ordinance shall have passed by the common council and published as provided in section three of this chapter the same shall be operative and in force. It shall not be necessary to give notice of the repeal of any by-law, rule or regulation.

Duty of recorder on passage of by-laws, etc.

SEC. 5. In all courts having authority to hear, try and [or] determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances or any ordinance thereof, judicial notices shall be taken of the enactment, existence, provisions and continuing force of such ordinances, and whenever it shall be necessary to prove any of the by-laws, regulations or ordinances of said city, or any resolution adopted by the common council, the same may be read in evidence in all courts of justice and in all proceedings: first, from a record thereof kept by the recorder; second, from a copy thereof or of such record thereof certified by the recorder under the seal of the corporation; third, from any volume of ordinances purporting to have been written or printed by authority of the common council.

Judicial notice of ordinances.

SEC. 6. No ordinance shall be amended unless the whole or so much as is intended to be amended shall be re-enacted. When any section [of an ordinance] is amended the whole section as amended shall be re-enacted.

Amendment of ordinances.

CHAPTER XXVIII.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecution for the violation of the ordinances of said city shall be commenced within two years after the commission of the offense and shall be brought within the city.

Prosecutions, when and how commenced.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance the same shall be sued for in one of the actions aforesaid.

Penalties, how recovered.

SEC. 3. Such action shall be brought in the name of the city of Marshall and shall be commenced by summons. The form,

Actions to be brought in the name of the city of Marshall.

Rendition of
judgment, etc.

time of return and service thereof, the pleadings and all the proceedings in the cause shall, except as otherwise provided here, conform to and be the same as nearly as may be as in like actions provided by law for the recovery of penalties and forfeitures for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and except when against a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison there to remain for a period not exceeding ninety days, unless such execution be sooner paid or he be discharged by due course of law; but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

Prosecutions
may be com-
menced by
warrant.

SEC. 4. Prosecutions for violations of the ordinances of the city may also in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Warrant in the
name of the
people, etc.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment and the execution thereof shall, except as otherwise provided for by this act, be governed by a law conform as nearly as may be to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

Judgment,
punishment,
etc.

SEC. 6. If the accused shall be convicted the court shall render judgment thereon and inflict such punishment either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution. In no case shall the party complained of recover costs.

Judgment, how
executed.

SEC. 7. Every such judgment shall be executed by virtue of execution or warrant of commitment specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where a fine and imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the form

case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

SEC. 8. Said city of Marshall shall be allowed the use of the jail of the county of Calhoun for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail, and the sheriff or other keeper of such jail shall receive and safely keep any person committed thereto as aforesaid until lawfully discharged. City allowed use of county jail.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city, shall be directed to the officers authorized by law to serve process from a justice of the peace, and may be executed in any part of the State by said officers. Process, how executed.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to [state or] set forth such ordinance or any provisions thereof in any complaint, warrant, process or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And it shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city of Marshall, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause, shall take judicial notice of the enactment, existence and provisions of the ordinances of the city and the resolutions of the city council, and of the authority of the council to enact the same. Ordinance sufficiently set forth by reciting title, etc.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons, and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil causes triable before such magistrates, except when otherwise provided by this act. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interests as he may have in common with the inhabitants of the city in the result of the suit. Trial by jury.

SEC. 12. Any party convicted of a violation of any ordinance of the city in a suit commenced by warrant, as aforesaid, may remove the judgment and proceedings into the circuit court for the county of Calhoun by appeal or writ of *certiorari*, and the proceedings therefor and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as an appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which Right to appeal.

the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from judgment or remove the proceedings by *certiorari* into the circuit court, and the like proceedings shall be had therefor and the same and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give bond or security thereon. The circuit court of said county shall also take judicial notice of the ordinances of the city and the resolutions of the council and of the provisions thereof.

Disposition of
fines.

SEC. 13. All fines imposed for violations of [the] ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was held. If any fine shall be collected upon execution, the clerk or person [persons] receiving the same shall immediately pay the money collected to such court or magistrate. If the accused is committed, payment of the fine and costs shall be made to the sheriff or other keeper of the jail or prison who shall, within ten days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury on or before the first Monday of the months of March, June, September and December next after the receipt of the same, and take the recorder's receipt for and file the same with the recorder.

Neglect to pay
over fines.

SEC. 14. If any person who shall have received any such fine or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor in the name of the city and to prosecute the same to effect. Any person receiving any such fine who shall willfully neglect or refuse to pay the same as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Penalty
therefor.

To what fines
credited, etc.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city shall be placed to the credit of the general fund. The expenses of the apprehension and punishment of persons violating the ordinances of the city shall be defrayed out of the city out of the general fund.

Security for
costs.

SEC. 16. No case or prosecution shall be commenced under any ordinance of the city until the complaining party has furnished security for costs, unless the same be commenced by or on behalf of the mayor, the common council or city attorney.

CHAPTER XXIX.

GENERAL PROVISIONS.

Moneys for
school purposes,
how paid out.

SECTION 1. The amount of money raised for school purposes shall be paid out on [the] order of the proper officer or officers of the school district number one of the city of Marshall, and in no case shall the city treasurer shall not collect the full amount of taxes required by his warrants to be paid to said school district,

school money taxed in said rolls shall be paid in full by said treasurer.

SEC. 2. All the officers of said city, who may be in office when this act shall take effect, shall continue to exercise the duties of their respective offices until the term for which they were elected or appointed shall have expired. The first charter election to be held in said city after this act shall take effect, shall be held in precisely the same manner in all respects as if this act had not been passed, unless as otherwise herein provided; and like notice of holding such election shall be given and shall be superintended by the same officers as if required by the acts hereby repealed.

Present officers
to continue in
office.

First election.

SEC. 3. All processes issued against said city shall run against the city in the corporate name thereof, and such processes shall be served by exhibiting the original and leaving a true and certified copy thereof with the mayor or recorder of said city. Any suits or proceedings that may be instituted or commenced by or against the city of Marshall before this act shall take effect, shall be prosecuted to the end thereof, the same as though this act had not been passed.

Processes
issued against
city in corporate
name.

SEC. 4. All acts or parts of acts inconsistent with or contravening any of the provisions of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect

Approved March 23, 1887.

[No. 406.]

AN ACT to amend section three of an act entitled "An act to revise an act to incorporate the city of Bay City, approved March twenty-one, eighteen hundred and sixty-five, as amended and revised by the several acts amendatory and revisionary thereof," approved March thirty, eighteen hundred and eighty-one.

SECTION 1. *The People of the State of Michigan enact, That* section three [3] of an act entitled "An act to revise an act to incorporate the city of Bay City, approved March twenty-one, eighteen hundred and sixty-five, as amended and revised by the several acts amendatory and revisionary thereof," approved March thirty, eighteen hundred and eighty-one, be and the same is hereby amended so as to read as follows:

Section
amended.

SEC. 3. Said city shall be divided into eight wards. The first ward shall include all that portion of the said city lying north of the continuous line of the center of Second street; the second ward shall include all that portion of said city lying between the continuous line of the center of Second street and the continuous line of the center of Center street; the third ward shall include all that portion of said city lying between said last named line and the continuous line of the center of Tenth street; the fourth ward shall comprise all that portion of said city lying between said last named line and the continuous line of the center of Fif-

Division of
wards.
First ward.
Second ward.

Third ward.

Fourth ward.

Fifth ward. tenth street; the fifth ward shall comprise all that portion of said city lying between said last named line and the continuous line of the center of Twenty-fourth street and west of the quarter line in sections twenty-eight [28] and thirty-three [33] of township fourteen [14] north of range five [5] east; the sixth ward shall comprise all that portion of said city lying between the continuous line of Twenty-fourth street and the continuous line between fractions two [2] and three [3] in fractional sections thirty-two [32] of township fourteen [14] north of range five [5] east; the seventh ward shall comprise all that portion of said city lying south of said continuous line between said fractions two [2] and three [3]; the eighth ward shall comprise all that portion of said city lying between the continuous line of the center of Twenty-fourth street and the continuous line of the center of Twenty-sixth street and east of the quarter line in said sections twenty-eight [28] and thirty-three [33]. The present city and township officers residing in the aforesaid territory comprised in the fifth and eighth wards shall continue to be such officers, for the term of five years in which they reside until the next annual election. It shall be the duty of the common council to fill any vacancies in said fifth and eighth wards by appointment, and the persons so appointed shall hold their respective offices until the next annual election.

Sixth ward.

Seventh ward.

Eighth ward.

Present officers to continue, etc.

Vacancies in certain wards, how filled.

This act is ordered to take immediate effect.

Approved March 23, 1887.

[No. 407.]

AN ACT to authorize the township of Saint Joseph in Benton county to borrow money to be used in the construction of a new bridge across the Saint Joseph river in said township, and to issue bonds therefor.

Authorized to borrow \$15,000. SECTION 1. *The People of the State of Michigan enact,* that the township board of the township of Saint Joseph, in Benton county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township a sum not exceeding fifteen thousand dollars, for a term not exceeding twelve years, at a rate of interest not exceeding six per cent per annum, and to execute the coupon bonds of said township therefor in such amounts as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Bonds.

Conditions on which money to be borrowed. SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of said township voting at the annual township meeting to be held in said township on the first Monday in April, eighteen hundred and eighty-seven, or at a special election to be called for the purpose of voting on said loan, shall so determine, and said township board

Special election.

hereby authorized and empowered, if they find it necessary, to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices and by posting said notices in five public places in said township, not less than ten days before said township meeting or said special election, which notices shall state the amount of money proposed to be borrowed. Notice.

SEC. 3. The vote upon the proposition of said loan shall be by ballots either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes," and the ballots against the same shall be in the following words: "For the bridge loan—No." And it shall be the duty of said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other annual or special township elections, and immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively, and not later than the day following such election such inspectors shall endorse upon such certificate a declaration in writing over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township to be preserved by him among the archives of said township. Ballots.

Election, how conducted.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of a new bridge to take the place of the old one across the Saint Joseph river, in the township of Saint Joseph, in the county of Berrien, on the highway leading from the village of Saint Joseph to the village of Benton Harbor, and in the repair of the approaches thereto: *Provided*, Said township board shall cause the necessary plans and specifications to be made, and proceed to advertise in two weekly papers published in said county of Berrien for sealed proposals for the construction of such bridge, which advertisements shall be published at least once in each week for three successive weeks prior to the day fixed for the opening of such proposals, and shall let the contract for the performance of such work to the lowest responsible bidder therefor. Money, how expended.

Proviso.

Contract, to whom let.

SEC. 5. In case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also any installment of the principal thereof falling due in any such year; but no more than three thousand dollars of such principal shall be Additional taxes to pay interest, etc.

Amount limited
to \$3,000, etc.
How payable.

made to become due in any one year; and the said interest be payable by said treasurer when the same shall become due on the presentation to him of the proper coupons, and the said principal shall be payable by said treasurer when the same becomes due on presentation to him of the proper bond.

This act is ordered to take immediate effect.

Approved March 24, 1887.

[No. 408.]

AN ACT to repeal act number two hundred of the local acts of the State of Michigan of eighteen hundred and fifty, being an act entitled "An act to vacate the south half of block number six, in the village of Lawrence, in the county of Van Buren."

Act repealed.

SECTION 1. *The People of the State of Michigan enact,* that act number two hundred of the local acts of eighteen hundred and fifty, being an act entitled "An act to vacate the south half of block number six in the village of Lawrence, in the county of Van Buren," is hereby repealed.

This act is ordered to take immediate effect.

Approved March 24, 1887.

[No. 409.]

AN ACT to designate the place for holding the township meetings and elections for the township of Midland in Michigan county.

Township
meetings, where
to be held.

SECTION 1. *The People of the State of Michigan enact,* that the township meetings and elections of Midland township in Michigan county shall, until otherwise provided, be held at the school-house in school district number five of said township.

This act is ordered to take immediate effect.

Approved March 24, 1887.

[No. 410.]

AN ACT to repeal act number three hundred and six of the local acts of the State of Michigan of eighteen hundred and eighty, being an act entitled "An act to incorporate the Lawrence Literary Institute Association."

Act repealed.

SECTION 1. *The People of the State of Michigan enact,* that act number three hundred and six of the local acts of eighteen hundred and eighty, being an act entitled "An act to incorporate the Lawrence Literary Institute Association," is hereby repealed.

This act is ordered to take immediate effect.

Approved March 26, 1887.

[No. 411.]

AN ACT to authorize the township of Blumfield to borrow money to be used in cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Blumfield in Saginaw county, be and it is hereby authorized and empowered to borrow, on the faith and credit of said township, the sum of one thousand dollars for a period not exceeding two years, at a rate of interest not exceeding six per cent per annum, and to issue and execute the bonds of the township therefor, with proper interest coupons attached thereto, in such manner as said board shall determine, which said bonds shall in no case be sold for less than their par value. Township authorized to borrow \$1,000.
To issue bonds.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall determine, and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices, and by posting said notices in five public places in said township at least ten days before the date of said election. Majority of the qualified voters necessary.
Special election.
Notice.

SEC. 3. The vote upon the proposition of said loan shall be by ballots either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "In favor of cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county—Yes;" and the ballots against the same shall be in the following words: "In favor of cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county—No." And it shall be the duty of said township board to provide at the polls of such election, during the time the same shall be open, a sufficient number of ballots both for and against such proposition for all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as any other special township election, and immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively, and not later than the day following such election such inspectors shall endorse upon such certificate a declaration in writing over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township. By ballot.
Form of ballots.
Manner of conducting elections.

SEC. 4. Before any money borrowed under the provisions of

Plans and specifications of work.	this act shall be expended in the cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county
To whom submitted, etc.	plans and specifications of said work shall be submitted approved by the county drain commissioner of Saginaw county who shall have superintendence and control of said proposed
Commissioners, power and authority of, and who to constitute.	SEC. 5. In the event of said proposed loan being carried out by the supervisors of the townships of Buena Vista, Blumfield, Frankenmuth, in Saginaw county, and the county drain commissioner of Saginaw county, are hereby constituted commissioners with full power and authority to make, execute and let all necessary contracts to secure the performance of said work of straightening and dredging Cheyboyganing creek as aforesaid: <i>Provided</i> , That it shall be the duty of said commissioners, in letting or entering into any contract for the performance of said work, to give notice of the time and place of letting said contracts, which said notice shall be given, by daily publication for at least thirty days before the date of letting the same, in the daily newspapers printed and published in the city of East Saginaw, Michigan, and that at the time and place so fixed for the letting of said contract or contracts said commissioners shall let the same to the lowest responsible bidder, who will give security for the faithful performance of said work.
Proceeds of loan, how drawn and applied.	SEC. 6. The proceeds of said loan shall be drawn from the treasury of said township, to be applied on the payment of said work upon the order of the said commissioners, countersigned by the clerk of said township, in accordance with estimates therefor made by said commissioners and filed with said clerk.
Tax.	SEC. 7. In case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter, in addition to the taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon said bonds accruing and becoming payable thereon, and also an amount of the principal thereof falling due in any such year not to exceed no more than five hundred dollars of such principal shall be required to become due in any one year; and the said interest shall become payable by the said treasurer when the same shall become due on the presentation to him of the proper coupons, and the said principal shall be payable by said treasurer when the same shall become due on the presentation to him of the proper coupons.
Interest on bonds. Principal.	
Interest, when payable.	
Principal, when payable.	

This act is ordered to take immediate effect.

Approved March 26, 1887.

[No. 412.]

AN ACT to authorize the township of Frankenmuth to use money to be used in cleaning, dredging and straightening Cheboyganing creek in Saginaw county, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Frankenmuth in Saginaw county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township the sum of six hundred dollars for a period not exceeding two years, at a rate of interest not exceeding six per cent per annum, and to issue and execute the bonds of the township therefor, with proper interest coupons attached thereto, in such manner as said board shall determine, which said bonds shall in no case be sold for less than their par value.

Township
authorized to
borrow \$300.

To issue bonds.

SEC. 2. Such money shall not be borrowed, nor such bond issued, unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall determine, and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices, and by posting said notices in five public places in said township at least ten days before the date of said election.

Majority of the
qualified voters
necessary.

Special election.

Notice.

SEC. 3. The vote upon the proposition of said loan shall be by ballots either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "In favor of cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county—Yes;" and the ballots against the same shall be in the following words: "In favor of cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county—No." And it shall be the duty of said township board to provide at the polls of such election, during the time the same shall be open, a sufficient number of ballots both for and against such proposition for all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as any other special township election, and immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively; and not later than the day following such election, such inspectors shall endorse upon such certificate a declaration in writing over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township.

By ballot.

Form of ballots.

Manner of
conducting
election.

SEC. 4. Before any money borrowed under the provisions of this act shall be expended in [the] cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county, the plans and specifications of said work shall be submitted to and approved by the county drain commissioner of Saginaw county, who shall have superintendence and control of said proposed work.

Plans, etc., of
work, to whom
submitted, etc.

SEC. 5. In the event of said proposed loan being carried, the

Commissioners,
power and
authority of,
and who to con-
stitute.

Proviso.

Proceeds of
loan, how
drawn and
applied.

Tax.

Interest on
bonds.

Principal.

Interest, when
payable.

Principal, when
payable.

supervisors of the townships of Buena Vista, Blumfield and Frumth in Saginaw county, and the county drain commissioners of Saginaw county, are hereby constituted commissioners with power and authority to make, execute and let all necessary contracts to secure the performance of the said work of straightening and dredging Cheboyganing creek as aforesaid: *Provided*, That it shall be the duty of said commissioners, before letting or entering into any contract for the performance of said work, to give notice of the time and place of letting said contract or contracts, which said notice shall be given by daily publication, for at least thirty days before the date of letting the same, in two daily newspapers printed and published in the city of Saginaw, Michigan, and that at the time and place so fixed the letting of said contract or contracts said commissioners shall let the same to the lowest responsible bidder, who will furnish security for the faithful performance of said work.

SEC. 6. The proceeds of said loan shall be drawn from the treasury of said township, to be applied on the payment of said work upon the order of said commissioners, countersigned by the clerk of said township in accordance with estimates therefor by said commissioners and filed with said clerk.

SEC. 7. In case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter, in addition to the taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon said bonds accruing and becoming payable thereon and also an amount of the principal thereof falling due in any such year, not more than three hundred dollars of such principal shall become due in any one year; and the said interest shall become payable by the said treasurer when the same shall become due on the presentation to him of the proper coupons, and the said principal shall be payable by said treasurer when the same shall become due on the presentation to him of the proper coupons.

This act is ordered to take immediate effect.

Approved March 26, 1887.

[No. 413.]

AN ACT to authorize the township of Buena Vista to borrow money to be used in cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county, and to issue bonds therefor.

township
authorized to
borrow \$1,400.

SECTION 1. *The People of the State of Michigan enact*, that the township board of the township of Buena Vista in Saginaw county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township, the sum of four hundred dollars for a period not exceeding two years, at a rate of interest not exceeding six per cent per annum, and to issue

execute the bonds of the township therefor with proper interest coupons attached thereto, in such manner as said board shall determine, which said bonds shall in no case be sold for less than their par value. To issue bonds.

SEC. 2. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall so determine, and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notices, and by posting said notices in five public places in said township at least ten days before the date of said election. Majority of qualified voters necessary. Special election. Notice of.

SEC. 3. The vote upon the proposition of said loan shall be by ballots either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "In favor of cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county—Yes;" and the ballots against the same shall be in the following words: "In favor of cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county—No." And it shall be the duty of said township board to provide at the polls of such election, during the time the same shall be open, a sufficient number of ballots both for and against such proposition for all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as any other special township election, and immediately upon the conclusion of such canvass the inspectors of election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election such inspectors shall endorse upon such certificate a declaration in writing over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township. By ballot. Form of ballot. Manner of conducting election.

SEC. 4. Before any money borrowed under the provisions of this act shall be expended in the cleaning, dredging and straightening a portion of Cheboyganing creek in Saginaw county, the plans and specifications of said work shall be submitted to and approved by the county drain commissioner of Saginaw county, who shall have superintendence and control of said proposed work. Plans, etc., of work to whom submitted, etc.

SEC. 5. In the event of said proposed loan being carried, the supervisors of the townships of Buena Vista, Blumfield and Frankenmuth in Saginaw county, and the county drain commissioner of Saginaw county, are hereby constituted commissioners with full power and authority to make, execute and let all necessary contracts to secure the performance of said work of straightening and dredging Cheboyganing creek as aforesaid: *Provided further*, That it shall be the duty of said commissioners Commissioners, power and authority of, etc. Provided.

before letting or entering into any contract for the performance of said work to give notice of the time and place of letting said contract or contracts, which said notice shall be given by daily publication, for at least thirty days before the date of letting the same, in two daily newspapers printed and published in the city of East Saginaw, Michigan, and that at the time and place so fixed for the letting of said contract or contracts said commissioners shall let the same to the lowest responsible bidder who will give security for the faithful performance of said work.

Proceeds of
loan, how
applied.

SEC. 6. The proceeds of said loan shall be drawn from the treasury of said township to be applied on the payment of said work upon the order of the said commissioners, countersigned by the clerk of said township, in accordance with estimates therefor made by said commissioners and filed with said clerk.

Tax.

SEC. 7. In case of the issue of such bonds it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable thereon, and also an installment of the principal thereof falling due in any such year; but no more than seven hundred dollars of such principal shall be made to become due in any one year; and the said interest shall become payable by the said treasurer when the same shall become due on the presentation to him of the proper coupons, and the said principal shall be payable by said treasurer when the same shall become due on the presentation to him of the proper bond.

Interest.

Principal.

Interest, when
payable.

Principal, when
payable.

This act is ordered to take immediate effect.

Approved March 26, 1887.

[No. 414.]

AN ACT to repeal an act of the present session of this Legislature entitled "An act to detach certain territory from the township of Harrisville in the county of Alcona, in this State, and to organize the township of Gustin in said county," approved February eighteenth, eighteen hundred and eighty-seven.

Act repealed.

SECTION 1. *The People of the State of Michigan enact*, That the act of the present session of this Legislature entitled "An act to detach certain territory from the township of Harrisville in the county of Alcona, in this State, and to organize the township of Gustin in said county," approved February eighteenth, eighteen hundred and eighty-seven, be and the same is hereby repealed.

This act is ordered to take immediate effect.

Approved March 26, 1887.

[No. 415.]

AN ACT to revise the charter of the city of Muskegon and to define the boundaries of said city.

TITLE I.

SECTION 1. *The People of the State of Michigan enact, That* Boundaries.
all the following tract and parcel of land situate in the county of Muskegon and State of Michigan described as follows, to-wit: Commencing at the southwest corner of section nine, in town ten north, range sixteen west; thence run south on the section line to the southeast corner of section twenty-nine in said town; thence west on the section line to the northwest corner of section thirty-six, in town ten north, range seventeen west; thence west, on the north line of section thirty-five in the town last aforesaid, three chains and thirty links; thence north thirty-two degrees west, to the center of Muskegon lake; thence northeasterly in a straight line to the intersection of the north and south quarter line of section eight in town ten north, range sixteen west, with the section line between sections eight and seventeen; thence east on said section line to the place of beginning, including all lands in said boundaries, and the portion of said Muskegon lake or river included therein, be and the same is hereby set off from the township of Muskegon and the township of Laketon and declared to be a city by the name of "The city of Muskegon;" by which name it shall hereafter be known.

SEC. 2. The freemen of said city, from time to time, being Body corporate and politic.
inhabitants thereof, shall be and continue a body corporate and politic to be known and distinguished by the name and style of "The city of Muskegon," and shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all courts of law and equity and in all other places whatsoever; and shall have a common seal, which they may alter and change at pleasure, and by the same name shall be and hereby are made capable of purchasing and holding and disposing of any real or personal estate for said city.

SEC. 3. The said city shall be divided into five wards as follows: Wards.
The first ward shall embrace all that portion of said city First.
lying northerly of Ryerson creek and the dividing line between the mill property of Torrent & Co. and Ryerson, Hills & Co.
The second ward of said city shall embrace all that portion of Second.
said city lying southerly of Ryerson creek and northerly and easterly of a line described as follows, to-wit: Commencing on the south boundary line of said city at a point where the center line of Wood avenue intersects said south boundary line; thence run north on the center line of Wood avenue to the intersection thereof with the center line of Irwin street; thence west on center line of Irwin street to the intersection thereof with the center line of Pine street; thence northwesterly on center line of

Pine street to the intersection thereof with the center line of Western avenue; thence northeasterly on the center line of Western avenue to the intersection thereof with Ryerson creek; thence down Ryerson creek to the waters of Muskegon lake; thence northeasterly on the dividing line between the mill property of Torrent & Co. and Ryerson, Hills & Co. to the intersection thereof with the northwesterly boundary line of said city.

Third. The third ward shall embrace all that portion of said city lying south and west of the division line last above described and north and east of the following division line, to-wit: Commencing at the southwest corner of section twenty-nine, in town ten north of range sixteen west, running thence north along the section line dividing sections twenty-nine and thirty to the center of Third street; thence northwesterly along the center of Third street to the center of Prince street, and thence along the center of Prince street to the center of Muskegon avenue; thence southwestward along the center of Muskegon avenue to the center of Second street; thence along the center of Second street to the northwestern corner of block three hundred and twenty-two to the westerly line of block three hundred and twenty-two, as delineated on a map of said city made by Thomas Smalley in the year eighteen hundred and seventy-three; thence northwesterly along the westerly side of said block three hundred and twenty-two to the northwesterly corner of said block; thence northeasterly to the line between blocks three hundred and twenty-four and three hundred and twenty-three; thence northwesterly along said dividing line to the intersection thereof with the northwesterly boundary line of said city.

Fourth. The fourth ward shall embrace all that portion of said city lying south and west of the division line last described and north and east of the following division line, to-wit: Commencing at the south quarter post of section thirty-one, in town ten north of range sixteen west, running thence north along the quarter line to the center of Seventh street; thence along the center of Seventh street to the center line of Western avenue; thence northeasterly along the center line of Western avenue to the line dividing blocks three hundred and twenty-eight and three hundred and twenty-nine; thence northwesterly along said line to the intersection thereof with the northwesterly boundary of said city.

Fifth. The fifth ward shall embrace all that portion of said city lying south and west of the division line aforesaid. Each ward of said city shall be divided into two supervisor districts.

Supervisor districts. The first supervisor district of said city shall embrace all that portion of said first ward lying easterly of the center line of Wood avenue. The second supervisor district of said city shall embrace all that portion of said first ward lying westerly of the center line of Wood avenue.

Third. The third supervisor district of said city shall embrace all that portion of said second ward lying easterly of the center line of Wood avenue. The fourth supervisor district of said city shall embrace all that portion of said second ward lying westerly of the center line of Wood avenue. The fifth supervisor district of said city shall embrace all that portion of said third ward lying north

wing division line, to wit: Commencing where the center
 Myrtle street intersects the center line of Pine street;
 southwesterly along the center line of Myrtle street to the
 where said center line of said Myrtle street would intersect
 center line of Park street, if said Park street were produced
 center of Terrace street; thence westerly along the center
 Park street to the center of Muskegon avenue; thence
 westerly along the center line of Muskegon avenue, to the
 division thereof with the westerly line of said third ward.
 The supervisor district of said city shall embrace all that Sixth.
 of said third ward lying south and east of the division
 above described. The seventh supervisor district shall Seventh.
 all that portion of said fourth ward lying north and west
 following division line, to-wit: Commencing in the center
 Houston avenue where said Houston avenue intersects the
 line of said fourth ward; thence southwest along the
 line of said Houston avenue to the point where said center
 said Houston avenue intersects the southwesterly division
 said fourth ward. The eighth supervisor district of said Eighth.
 shall embrace all that portion of said fourth ward lying south
 of the division line last above described. The ninth Ninth.
 supervisor district of the said city shall embrace all that portion
 fifth ward lying east of the following division line, to-
 commencing at the center of Henry street where Henry
 intersects the south line of said city; thence running
 along the center of Henry street to the end thereof;
 in the same direction to the center of Muskegon lake. The Tenth.
 supervisor district of said city shall embrace all that por-
 tion of said fifth ward lying west of the division line last above
 described.

TITLE II.

ELECTORS AND REGISTRATION.

- SECTION 1. The inhabitants of the city of Muskegon having Qualification of
 qualification of electors under the constitution of the State of electors.]
 Michigan, and no others, shall be electors therein.
- SECTION 2. Every elector shall vote in the supervisor district Where to vote.
 in which he shall have resided during the ten days next preceding
 the day of election. The residence of any elector not being a
 resident shall be deemed to be in the supervisor district in
 which he lodges.
- SECTION 3. One of the aldermen of each ward, to be designated by Board of
 the common council and a supervisor of the district, shall consti- registration.
 tute a board of registration for each of the supervisor districts
 respectively. In case any alderman or supervisor may be absent Vacancy in
 from the board to attend any meeting of the board of registration, the board.
 member of said board may choose a competent elector of
 the supervisor district to act as a member of said board, subject
 to the approval of the electors present to be determined by a

Meeting.	<i>viva voce</i> vote. Said board shall meet on the Saturday next preceding each election at such place in the supervisor district may be determined by the common council, and shall remain in session from nine o'clock in the forenoon till nine o'clock in the afternoon for the purpose of completing the qualified list of electors.
Proceedings.	All proceedings relating to such registration of electors shall be the same as those provided by law for townships, so far as they are not inconsistent with the provisions of this act.
Registration.	It shall be the duty of the common council to provide for the re-registration of the voters of the city of Muskegon on the Saturday next preceding the first Monday in April, in the year eighteen hundred and eighty-seven, and on the Saturday next preceding the first Monday in April of each fourth year thereafter.
Registration books.	For this purpose the common council shall provide a new registration book for each of the supervisor districts of said city, and shall give the necessary notice of such new registration at the time and in the manner required by law in other cases.
Notice.	They shall make in each of said supervisor districts a new and complete registration of the voters of said supervisor districts, respectively, on said day and on the Saturday next preceding the first Monday in April of each fourth year thereafter. And no person shall be allowed to vote at the election or elections succeeding said registration unless the name of such voter shall be found on the new registration book of the particular district, except in case of sickness or other inability of such voters to be present, as provided by the general laws of this State.
New registration.	

TITLE III.

ELECTIONS.

Annual elections.	SECTION 1. An annual city election shall be held on the first Monday in April in each year at such places in the several supervisor districts of the city as the common council shall designate.
Special elections.	SEC. 2. Special elections may be appointed by resolution of the common council and held in and for the city, or in and for any ward or supervisor district thereof, at such times and places as the common council shall designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.
Duty of council.	SEC. 3. Whenever a special election is to be held, the common council shall cause to be delivered to the inspectors of elections in each supervisor district where the same is to be held, a notice signed by the recorder or acting recorder, specifying the officers or officers to be chosen and the question or proposition if any to be submitted to the vote of the electors, and the day and place at which such election is to be held; and the proceedings in the manner of holding the election shall be the same as at the annual city election.
Proceedings.	

SEC. 4. Notice of the time and place or places of holding any election and of the officers to be elected and the questions to be voted upon shall, except as may be herein otherwise provided, be given by the recorder or acting recorder, at least ten days before such election, by posting such notices in three public places in each supervisor district in which the election is to be held; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election. Notice, contents of, etc.

SEC. 5. The common council shall provide and cause to be kept by the recorder, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships. Ballot boxes.

SEC. 6. On the day of elections held by virtue of this act, the polls shall be open in each supervisor district at the several places designated by the common council at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls. Time of opening and closing polls.

SEC. 7. One alderman of each ward, who shall be designated by the common council, and the supervisor of each supervisor district, shall be inspectors of election in such supervisor district, and of the State, county and district election; and in case of the absence of one or more of such inspectors the electors present may choose *viva voce* from their number one or more competent persons, who shall be an elector of such supervisor district, to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace. Inspectors of election.

SEC. 8. The inspectors shall elect a chairman of the board, and when necessary they may appoint one or more other persons to be clerks of election, and the persons so appointed shall take the constitutional oath of office, which oath either of the inspectors may administer. Vacancies.

SEC. 9. All elections held under the provisions of this act as to the reception and canvassing of votes and determining qualifications of electors, shall be conducted as nearly as may be in the manner provided by law for holding general elections in this State, except as herein otherwise provided, and the inspectors of such election shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands, during the time of holding the election and the canvass of the votes, as are conferred by the law upon inspectors of general elections held in this State. Officers of board.

SEC. 10. The electors shall vote by ballot, and the same ballot shall contain the names of persons designated as officers for the city, and as officers for the ward and supervisor districts. The ballots cast upon any question or proposition submitted to be voted upon shall be separate and be deposited in a separate box. Manner of conducting elections.

SEC. 11. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than a full term of Power and authority of inspectors.

Ballots, form of, etc.

Idem.

office, the term for which any person is voted shall be designated on the ballot.

Deposit of
ballots.

Poll-lists.

SEC. 12. It shall be the duty of the inspectors on receiving a vote, as specified in the last two sections, to cause the same, when being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written the name of each elector voting at such elections in the poll-lists, to be kept by said inspectors of election or under their direction. And such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.

Canvass of
votes.

Certificate.

SEC. 13. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them and declare the result, and shall on the same day or the next make one certificate of the number of votes given for each person for the several offices to be filled in and for the city, and also one certificate of the number of votes cast for each of the several ward officers, and also one certificate of the number of votes cast for supervisor of such district, together with a statement and certificate, in duplicate, setting forth the whole number of votes cast for any other office or on any other question voted upon at such election, which certificates and statements shall be immediately filed in the office of the recorder of said city, together with the poll-lists and the register of electors and the boxes containing said ballots: *Provided, however,* That a duplicate of each statement and certificate last above mentioned shall at the same time be filed in the office of the county clerk of said county.

Filing certificate.

Proviso.

Manner of canvassing votes.

SEC. 14. The manner of canvassing said votes shall be in the same manner as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall in all respects, except as herein otherwise provided, conform as near as may be to the duties required of inspectors of election at general elections.

Meeting of council, purposes of.

Recorder's certificates.

Filing certificate.

Who deemed elected.

SEC. 15. The common council shall convene on Thursday succeeding each election, at the usual hour and place of meeting, and determine the result of the election upon each question or proposition voted upon and what persons were duly elected at such election to the several offices respectively within and for said city and the several supervisor districts therein, and thereupon the recorder shall make duplicate certificates under the corporate seal of the city of such determination, showing the result of the election upon any question or proposition voted upon, and the names of the persons are declared elected to the several offices respectively, of which certificates he shall file in the office of the county clerk of the county of Muskegon and the other shall be filed in the office of the city recorder.

SEC. 16. The person receiving the greatest number of votes for any office in the city, ward or supervisor district, shall be deemed to have been duly elected to such office; and if there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the com-

council shall at the meeting mentioned in the preceding section determine by lot between such persons which shall be considered elected to such office.

SEC. 17. It shall be the duty of the recorder within five days after the meeting and determination of the common council, as provided above, to notify each person elected, in writing, of his election; and each of said officers so elected and notified shall, within ten days after such notice, but not afterwards, take and subscribe the constitutional oath of office before any person authorized to administer oaths, and deliver the same to the said recorder, who shall file the same in his office. Notice to persons elected.

SEC. 18. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report in writing to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath and requisite bond or security for the performance of the duties of the office. Notice of neglect to file bond.

TITLE IV.

OF OFFICERS.

SECTION 1. The officers of said city shall be one mayor, one treasurer, one recorder, one assessor, and four justices of the peace, who shall be designated city officers, and shall be elected by the qualified voters of the whole city; two aldermen and one constable in each ward, who shall be designated ward officers, and shall be elected by the qualified voters of the respective wards; also one supervisor in each supervisor district, who shall be designated supervisor district officer, and shall be elected by the qualified voters for the respective supervisor districts. Said officers shall be elected as follows, to wit: The mayor, treasurer, supervisors and constables shall be elected annually and shall hold their offices one year and until their respective successors shall be elected and qualified. The recorder, assessor and aldermen shall be elected biennially and shall hold their respective offices for two years and until their respective successors shall be elected and qualified. At each annual election there shall be elected one justice of the peace for the term of four years, and such a number of justices of the peace as shall be necessary to fill the vacancies then existing: *Provided*, That no person elected to fill a vacancy shall hold any office provided for in this act for a longer time than during such unexpired term, unless again elected. City and ward officers. Terms of office. Provide.

SEC. 2. The following officers shall be appointed by the common council on the nomination of the mayor, as provided in section twenty-two of title six of this act, viz.: One city attorney, one street commissioner, one police justice, one harbor master and two directors of the poor. The common council may also, from time to time, provide by ordinance for the appointment of such other officers for such term as may be provided in the ordinance, whose election or appointment is not herein specially pro- Appointed officers.

vided for, as the common council shall deem necessary for the execution of the powers granted by this act. The officers aforesaid shall be appointed and may be suspended or removed as provided in section twenty-two, title six of this act. The powers and duties of all officers appointed as last aforesaid, otherwise provided for in this act, shall be prescribed by ordinance.

Election of justices of the peace.
Provido.

SEC. 3. At the first election held under this act, four justices of the peace shall be elected, also two aldermen in each ward. *Provided*, That all justices of the peace and aldermen elected under the former act of incorporation of the city of Muskogee shall continue in office for the term for which they were severally elected, and at such first election such number of justices of the peace and aldermen only shall be elected as with those continuing in office as aforesaid, shall make the requisite number of officers as required by this act, and the terms of the justices of the peace and aldermen first elected, as aforesaid, shall be so arranged that the justice of the peace of the city and one alderman for each ward shall be elected annually thereafter.

Election of assessor and term of office.

SEC. 4. At the first election held under this act, an assessor for the city shall be elected who shall hold his office until the first day of January, eighteen hundred and eighty-nine. At the general election in November, eighteen hundred and eighty-nine, and at the general fall election every two years thereafter, an assessor shall be elected in and for said city who shall hold office for the term of two years from the first day of January after said election.

Terms of appointed officers.

SEC. 5. All other officers appointed by the mayor or common council, except officers appointed to fill vacancies in elective offices, shall hold their respective offices until the first day of May next after such appointment, and until their successors are qualified and enter upon the duties of their office, unless a different term of office shall be provided in this act or in the ordinance creating the office.

Terms of justices.

SEC. 6. The justices of the peace elected for the full term of four years shall enter upon the duties of their offices on the first day of July next after the election; in all other cases officers, including the assessor, shall respectively enter upon the duties of their offices immediately upon taking the oath of office and giving the security if any required, for the performance of the duties of the office.

TITLE V.

QUALIFICATION, OATH AND BOND OF OFFICER.

Qualification of officers.

SECTION 1. No person shall be elected or appointed to any office unless he be an elector of the city, and if elected or appointed for a ward he must be an elector thereof, and no person shall be elected or appointed to any office in the city who has been or is a defaulter to the city or to any board or officer thereof, or to any school district, county or other municipal corporation of this State. All votes for or any appointment of any defaulter shall be void.

SEC. 2. Justices of the peace shall take and file an oath of office with the county clerk of Muskegon county, within the same time and in the same manner as in case of justices of the peace elected in townships; all other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the recorder. Oath of officers.

SEC. 3. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk, mentioned in the preceding section, the security for the performance of the duties of his office, required by law in case of justice of the peace elected in townships, except that such official bond or security shall be approved by the common council; and in case such justice shall enter upon the execution of his office before having filed his official oath and bond or security, and such other bond or security to the city as may be required by law or by any ordinance or resolution of the common council, he shall be liable to the same penalties as are provided in case of justices of the peace elected in townships, and every other officer elected or appointed in the city, before entering upon the duties of, his office and within the time prescribed for filing his official oath, shall file with the city recorder such bond or security as may be required by law, or by any ordinance or requirement of the common council, and with such sureties as shall be approved by the common council, for the due performance of the duties of his office, except that the bond or security of the city recorder shall be deposited with the city treasurer. Official bonds.

SEC. 4. The common council shall inquire into the sufficiency of such sureties and examine them under oath as to their property. Such oath may be administered by the mayor, any alderman, or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing, and be signed by him and annexed to and filed with the bond or instrument to which it relates. Sufficiency of sureties.

SEC. 5. The common council may also at any time require any officer, whether elected or appointed, to execute and file with the recorder of the city, new official bonds in the same or in such further sums, with new and such further sureties as said common council may deem requisite, for the interest of the corporation. Any failure to comply with such requirement shall subject the officer to immediate removal by the common council. New bonds.

RESIGNATIONS AND VACANCIES.

SEC. 6. Resignations of officers shall be made to the common council subject to its approval and acceptance. Resignations.

SEC. 7. If any officer shall cease to be a resident of the city, or if elected in and for a ward, or in and for a supervisor district, shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated. Removal, etc., cause for vacancy.

When office may
be declared
vacant.

SEC. 8. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor, the common council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security.

Vacancies, how
filled.

SEC. 9. A vacancy in the office of mayor or of any alderman, occurring more than ninety days before an annual city election, shall be filled by a special election. A vacancy in the office of any alderman occurring within ninety days before an annual election, and all vacancies in the office of the justice of the peace shall be filled at the next annual election. Vacancies in any other office shall be filled by appointment, as in this act provided, within twenty days after the vacancy occurs, or if the vacancy be in an elective office it may be filled by an election or an appointment in the discretion of the common council.

Vacating office
does not exoner-
ate sureties.

SEC. 10. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

When officer
shall deliver
property of
office to suc-
cessor.

SEC. 11. Whenever any officer shall resign, or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall on demand deliver over to his successor in office all the books, papers, moneys and effects in his custody as such officer, and in any manner appertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State, now or hereafter in force and applicable thereto, and every officer appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of this State.

Neglect a mis-
demeanor.

DUTIES AND COMPENSATION OF OFFICERS.

Powers and
duties of mayor.

SEC. 12. The mayor shall be the chief executive officer of the city of Muskegon. He shall preside at the meetings of the common council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the several departments of the city government, see that the laws relating to the city and the ordinances and regulations of the common council are enforced.

Idem.

SEC. 13. The mayor shall be conservator of the peace, and may exercise within the city of Muskegon the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the common council, and to suppress riot and disorderly conduct.

Idem.

SEC. 14. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty.

He shall have authority at all times to examine and inspect the books, records and papers of any agent, employé or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

SEC. 15. In the absence or disability of the mayor, or in case of any vacancy in his office, the president *pro tempore* of the council shall be styled the acting mayor, and shall have the same powers and perform the same duties as are by this act conferred upon the mayor: *Provided*, That said president *pro tempore* shall make no appointment of any officer of said city during the temporary absence of the mayor from said city.

ALDERMEN.

SEC. 16. The aldermen of said city shall be members of the common council, and attend the meetings thereof and act upon committees when thereunto appointed by the mayor or common council. As conservators of the peace they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman, nor appointed to any other office in the city within one year thereafter.

RECORDER.

SEC. 17. The recorder shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city not by this act or the ordinances of the city entrusted to some other board or officer. He shall be clerk of the common council, shall attend its meetings, record its proceedings, ordinances and resolutions in proper books provided therefor. He shall countersign and register all licenses granted, and shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all cases of the matters therein contained to the same extent as the original would be. He shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. He shall, by virtue of his office, be authorized to take acknowledgment of deeds and other instruments in writing. He shall be the general accountant of the city, and all claims against the corporation shall be filed with him for adjustment. After examination thereof he shall report the same with all accompanying vouchers and counter-claims of the city, and the true balance as found by him, to the common council for allowance, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon from which fund payment is to be made, and shall take proper receipts therefor. When any tax or money shall be levied, raised or appropriated, the recorder shall report the amount thereof to

the city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amount thereof to be credited to each fund.

To have general supervision of revenue.

Shall keep a set of books.

Bonds.

To report officers neglecting to give security.

SEC. 18. The recorder shall exercise a general supervision over all officers charged in any manner with the receipt, collection and disbursements of the city revenues, except the treasurer, and over all the property and assets of the city. He shall be in charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the corporation, unless in this act otherwise provided; he shall countersign and register all bonds issued, and keep a list of all property and effects belonging to the city and of all its debts and liabilities. He shall keep a complete set of books exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, showing the purpose for which each fund was raised. He shall also keep an account with the treasurer in which he shall charge him with all moneys received for each of the several funds of the city, and credit him with all the warrants drawn thereon, keeping a separate account with each fund. When any fund has been exhausted the recorder shall immediately advise the common council thereof. The recorder shall report to the council, whenever required, a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation. He shall perform all other duties pertaining to his office as the council may require. He shall give bonds for the faithful performance of his duties for such sum as the common council shall direct.

SEC. 19. The recorder shall report to the common council the names of such officers as shall have neglected to give the bond of security required by the provisions of this act, at the next regular meeting after the time provided by law for filing such security, and shall have elapsed.

CITY TREASURER.

Treasurer to collect taxes.

Bonds.

To keep account, etc.

To make financial exhibit.

SEC. 20. The city treasurer shall be by virtue of his office the collector of all taxes and assessments, both general and special, levied and made therein, except as is herein otherwise provided, and for that purpose, within ten days after his election, he shall give bonds to the city in such sums and with such sureties as the common council shall require and approve; he shall also give to the treasurer of the county of Muskogee such further security as is or may hereafter be required by law of the several township treasurers of this State, and shall perform all such other duties respecting the collection and return of taxes as the common council shall require.

SEC. 21. The treasurer shall keep an accurate account upon proper heads of all the warrants paid by him, and his books shall be open to the inspection of any elector at all reasonable hours. The treasurer shall exhibit to the common council at its last

ular meeting before the first Monday in March of each year, and at such other times as the common council may require, a full and fair account of the receipts and expenditures from and after the date of the last annual report, and also the state of the treasury, which account shall be left to a committee for examination, and if found correct shall be filed.

SEC. 22. The treasurer shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrant signed by the recorder and countersigned by the mayor or acting mayor. Money to be drawn by warrant.

MARSHAL.

SEC. 23. The city marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the board of police and health commissioners in this act mentioned; he shall be likewise subject to the direction of the mayor. It shall be his duty to see that all the ordinances and regulations of the council made for the preservation of quiet, good order and for the safety and protection of the inhabitants of the city are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him in all proceedings for violations of the ordinances of the city. Such process may be served anywhere within the State. Marshal to be chief of police. Duties of.

SEC. 24. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest in any part of the State any person fleeing from justice. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State, or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest and imprison persons found drunk in the streets until they shall become sober. Idem.

SEC. 25. The marshal shall report in writing and on oath to the common council at its first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the city, and the amount of all fees collected by him. All moneys received or collected by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor shall be filed with the recorder. Report arrests, etc.

SEC. 26. The city marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services, but in no case shall such fees be charged to or be paid by the city, but the same shall be paid into the city treasury as above provided. Fees.

To give
security.

May appoint
deputies.

SEC. 27. Before entering upon the duties of his office, he shall give such security for the faithful performance of his duties as the common council shall direct and require. He may appoint by and with the consent of the board of police and health commissioners such number of deputies as said board of police and health commissioners may direct, and said deputies shall have the same powers and perform the same duties as the marshal, and for their official acts the marshal shall in all respects be responsible.

CITY ATTORNEY.

Additional
duties of city
attorney.

SEC. 28. The city attorney in addition to the other duties prescribed in this act, shall be the legal adviser of the common council and of all officers and boards of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute for offenses against the ordinances of said city.

CITY SURVEYOR.

Powers and du-
ties of surveyor.

Maps.

SEC. 29. The city surveyor shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the common council, board of public works or officers of said city, relating to public improvements, buildings, grounds, streets and alleys of said city, and shall perform such other duties as the common council may by resolution prescribe or the board of public works may direct.

STREET COMMISSIONER.

Duties of.

Report of.

SEC. 30. It shall be the duty of the street commissioner to perform or cause to be performed all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city, as the board of public works shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by said board of public works. He shall make a report to the board of public works in writing and on oath once in each month, giving an exact statement of all labor performed by him or under his supervision and the charges therefor, the amount of material used and the expenses thereof, and the street or place where such material was used or labor performed, and further, showing the items and purpose of all expenses incurred since his last preceding report, and no payment for labor or services performed or for expenses incurred by him, shall be made until reported on oath as aforesaid.

CONSTABLES.

SEC. 31. The constables of said city shall have the like powers and authority in matters of civil and criminal nature and in relation to the service of all manner of criminal process, as are conferred by law upon constables in townships, and shall receive the like fees for their services; they shall have power also to serve all process issued for breaches of the ordinances of the city. The constables of the city shall obey all lawful orders of the mayor, aldermen, board of police and health commissioners and chief of police, and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the common council, and for any neglect or refusal to perform any duty required of him, every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable before entering upon the duties of his office shall give such security for the performance of the duties of his office as is required by constables in townships or as may be required by the common council, and file the same with the recorder.

Powers and duties of.

To obey orders of mayor.

To give security.

ASSESSOR.

Sec. 32. The assessor of said city shall have the same powers and authority, and shall perform the same duties, as are granted to and imposed upon the supervisors of townships in this State with reference to assessment of property and levying of taxes, and not inconsistent with the provisions of this act. He shall be a member of the board of review and shall have a vote on all questions arising before said board, and shall be a member of the board of supervisors for the county of Muskegon, and shall exercise the same privileges and perform the same duties as any other member of said board.

Powers and duties of.

SUPERVISORS.

SEC. 33. The several supervisors of said city shall have, except as in this act otherwise provided, the same powers and authority and shall perform the same duties as the supervisors of townships, except the assessing of property and the spreading of taxes. They shall be members of the board of supervisors of Muskegon county, and they shall perform as supervisors such duties as by this act shall be required of them.

Powers and duties of.

DIRECTORS OF THE POOR.

SEC. 34. The directors of the poor of said city shall discharge the duties of overseers of the poor therein, and as such shall have the custody of all paupers residing therein except county paupers, and shall also have the exclusive custody and disbursement of all moneys raised in said city for the support of paupers therein, except

Powers and duties of.

Bonds. moneys raised for the support of county paupers. Before entering upon the discharge of the duties of their office they shall give such bonds as the common council shall direct. The directors of the poor shall have the custody of the almshouse, and all other property belonging to or used by said city, for the support of the paupers therein.

Custody of property.

JUSTICES OF THE PEACE.

Jurisdiction and authority of. SEC. 35. The justices of the peace of said city shall have and exercise therein the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as the occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of this State, except as herein otherwise provided.

Removal of, justices, etc. SEC. 36. Any justice of the peace of said city may be suspended or removed from his office by the circuit court for the county of Muskegon, for neglect or refusal to pay over any fine, moneys, penalties or [of] forfeits collected by him, or for any official misconduct on charges specially preferred by the common council, a copy of which charges shall be served upon said justice in such manner as the circuit court shall direct. An opportunity shall be given such justice to be heard in his defense.

POLICE JUSTICE.

Appointment of. SEC. 37. One of the justices of the peace of said city, whose term of office will not expire during the year, shall be appointed at the time and in the manner provided by section twenty-two of title six of this act, a police justice of said city. Before said police justice shall enter upon the discharge of his duties, he shall give a bond to the city of Muskegon in such sum as the common council may direct, with one or more sufficient sureties, to be approved by the common council, conditioned for the faithful performance of the duties of his office, and for the accounting for and paying over to the treasurer of said city all moneys which shall come into his hands as such police justice, belonging to said city, at the expiration of every month during the time he shall continue in office, which bond shall be filed with the recorder.

Bond, what to contain.

Jurisdiction of. SEC. 38. Such police justice shall, except in case of his absence or inability to act, have exclusive jurisdiction to hear, try and determine all prosecutions for the violation of the ordinances of said city; to hear, try and determine all actions for the recovery of any fines, penalties or forfeitures for the violation of any of the ordinances of said city; to punish offenders for the violation of any of the ordinances as in said ordinances prescribed.

When any justice may discharge duties of. SEC. 39. In case of the sickness of the police justice, his absence from the city or other inability to discharge the duties of his office, or during any vacancy in said office, any justice of the

and city shall be competent to discharge the duties of

All fines which may be recovered by the city in any police court, in prosecution for the violation of city ordinances and all sums recovered for any penalty or forfeiture of any of the ordinances of said city, shall be paid to the justice or police justice into the city treasury on or before the expiration of the last day of the calendar month during which the fine, penalty or forfeiture was collected, and said justice shall make monthly reports to the common council on or before the first day of the month in the premises.

Dispositions of
fines and
monthly re-
ports.

COMPENSATION.

The officers of said corporation shall be entitled to receive out of the city treasury the following sums in full payment of their services: The mayor shall be entitled to receive an annual salary of one thousand dollars. The recorder shall receive such sum as the common council may allow, not exceeding fifteen hundred dollars per annum, which sum shall be in full compensation for all services rendered by him as such recorder; and he shall collect and deposit in the city treasury all fees provided by law for the filing of writs and for other services rendered in his office. The city attorney shall receive such sum as the common council may allow, not exceeding one thousand dollars per annum. The marshal shall receive such compensation as the common council may allow, not exceeding one thousand five hundred dollars per annum. The assessor shall receive such compensation as the common council may allow, not exceeding one thousand five hundred dollars per annum. The treasurer shall receive such fees as are allowed by law to township treasurers. The police justice shall receive such compensation as the common council may allow, not exceeding eight hundred dollars per annum, which sum shall be in full compensation for all services rendered by him as police justice; and he shall collect and deposit in the city treasury all fees provided by law for and allowed to the peace, which fees shall belong to said city and shall be paid into its treasury as in this act provided. Supervisors, constables and peace and constables shall be allowed the same fees as are allowed to like officers of townships, unless in this act otherwise provided. The street commissioner shall receive a per diem of three dollars per day for his services, and at the rate of three dollars per day for parts of days actually employed. The directors of the poor shall receive such sums as the common council shall allow, not exceeding thirty dollars per month each. The aldermen shall receive such compensation as the common council shall allow, not exceeding fifty dollars each in any year for their services. The common council shall determine the fees and salary of the commissioners, assessors or directors of election or appointment, as provided for in this act, or salary is not herein otherwise provided.

Of officers.

Of mayor.

Of recorder.

Disposition of
fees

Compensation
of city attorney.

Of marshal.

Of assessor.

Of treasurer.

Of police justice.

Disposition of
fees.

Fees allowed
certain officers.

Compensation
of street com-
missioners.

Of director of
the poor of.

Alderman.

Of all other
officers.

THE UNIVERSITY OF MICHIGAN LIBRARIES

TITLE VI.

POWERS AND DUTIES OF THE COMMON COUNCIL.

Common council.
President of.

SECTION 1. The mayor and aldermen of said city shall constitute the common council. The mayor shall be president of the council and preside at the meetings thereof, but shall have no vote therein except in case of a tie, when he shall have the casting vote.

President
pro tem.

Powers and
duties of.

In case of absence of president, etc.

SEC. 2. On the first Monday in May in each year the common council shall appoint one of its number president *pro tempore* the common council who, in the absence of the mayor, shall preside at the meetings of the common council and exercise the powers and duties of president; he shall have a vote upon all questions. In the absence of the president and the president *pro tem.*, the common council shall appoint one of its number to preside; and for the time being he shall exercise the powers and perform the duties of the president *pro tem.*

Clerk of council,
etc.

SEC. 3. The recorder shall be clerk of the common council but shall have no vote therein. He shall keep a full record of all the proceedings and perform such other duties relating to his office as the common council may direct. In the absence of the recorder the council shall appoint one of its number to perform the duties of the office for the time being.

Duties of
alderman.

SEC. 4. The aldermen, each of whom shall be entitled to vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve on committees whenever appointed thereon.

Council judge
of elections, etc.
Meetings.

SEC. 5. The common council shall be judge of the election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe. The mayor or any three members of the common council may appoint special meetings thereof, notice of which in writing shall be given to each alderman, or be left at his place of residence at least one hour before the meeting.

Meetings, etc.,
to be public.

SEC. 6. The meetings and sessions of the common council shall be public, except when the public interest shall, in the opinion of the common council, require secrecy. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time and may compel the attendance of absent members in such manner as shall be prescribed by ordinance, but no office shall be created or abolished, nor any tax or assessment be imposed, or street, alley or public ground be vacated, or real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of a majority of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded at a special meeting unless there be present as many aldermen as were present when such vote was taken. No money shall be appropriated except by ordinance or resolution of the council, nor shall

Raising
moneys.

any resolution authorizing the expenditure of money be passed or adopted, except by the vote of a majority of all the aldermen elected to office, except as herein otherwise provided.

SEC. 7. The common council shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes shall be taken by yeas and nays, and be so entered on the journal as to show the names of those voting in the affirmative and those in the negative, and within one week after the meeting of the common council the proceedings and votes taken thereat shall be published in one of the newspapers of the city.

Council shall prescribe rules of proceedings. Manner of voting.

Proceedings.

SEC. 8. The common council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance, as may by ordinance be prescribed, and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

May compel attendance and punish for disorderly conduct.

SEC. 9. The city attorney, city marshal, street commissioner, city surveyor and engineer, members of the board of public works, and members of the board of police and health commissioners, shall have seats in the common council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the common council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the common council in the same manner as members.

Who may have seats in council, etc.

SEC. 10. The common council shall have control of the finances and of all the property, real and personal, of the corporation, except as may be otherwise provided by law.

Council to have control of finances.

SEC. 11. Whenever by this act, or any other provisions of law, any power or authority is vested in or duty imposed upon the corporation or common council, the common council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duties.

May enact ordinances.

SEC. 12. The common council may provide by ordinance or resolution for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

Standing committees.

SEC. 13. The common council shall cause all the records of the corporation and of all proceedings of the common council, and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city, or to the official acts of any officer of the corporation, (unless authorized by law to be kept elsewhere or by some other board or officer), to be deposited and kept in the office of the recorder, and to be so arranged, filed and kept as to be convenient of access and inspection; and all such records, books and papers shall be subject to inspection by any person interested therein at all seasonable times, except such parts thereof as, in the opinion of the common council,

Records, where kept.

Subject to inspection.

Penalty for injury, etc., to records.

cil, it may be necessary for the furtherance of justice, or of public interest, to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy any such books, records, documents or papers, or expose the same to loss or destruction, with intent to prevent the contents or true meaning or import of any part thereof being known, shall on conviction thereof, be punished by imprisonment in the State prison for longer than one year, or by fine not exceeding one thousand dollars or by both such fine and imprisonment in the discretion of the court.

Limit of compensation.

SEC. 14. No member of the common council or alderman shall receive any compensation for his services either as councilman or alderman, or otherwise, except as herein provided.

Certain officers not to hold other office.

SEC. 15. No member of the common council, during the term for which he is elected, shall be appointed to or be competent to hold any office, the emoluments of which are paid out of the treasury, or paid in compliance with any by-law, resolution or ordinance of the common council; or be directly or indirectly interested in the sale to or purchase from the city of any property, or be directly or indirectly interested in any contract as principal, surety or otherwise, the expense of consideration whereof is paid under any ordinance, by-law or resolution of the common council; and no other officer of said city shall be interested directly or indirectly in the purchase or sale of such property or in such contract. This section shall not be construed to prevent the recorder from receiving salary which may be fixed by the common council, or from holding any office, nor to deprive any alderman of any emolument or to which he may be entitled by virtue of his office, subject to the limitations contained in this act.

Not to be interested in purchase or sale or contract.

SEC. 16. Any person appointed to office by the common council, or confirmed by vote of the common council, by authority of this act, may be removed therefrom by a vote of a majority of the aldermen elect, and the common council may expel any alderman or remove from any office any person elected thereto, by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers, provision shall be made by ordinance for preferring charges and trying the same, and no removal of an elective officer shall be made, unless a charge in writing is preferred, and an opportunity given to make a defense thereto.

Exceptions.

Officers, how removed.

SEC. 17. To enable the common council to investigate charges against an [any] officer, or such other matters as it may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the common council or a committee thereof having the matter in charge, to issue subpoena process by warrant to compel the attendance of persons and the production of books and papers before the common council or any committee thereof.

Council may issue process to compel attendance of persons, etc.

SEC. 18. Whenever the common council or any committee thereof is authorized to compel the attendance of persons, for the investigation of matters which may come before the

Administering oaths, etc.

SEC. 19. Whenever the common council or any committee thereof is authorized to compel the attendance of persons, for the investigation of matters which may come before the

ing officer of the common council, or chairman of such for the time being, shall have power to administer the oaths, and such council or committee shall have the power to compel the witnesses to testify as is conferred on justices of the peace.

No person shall be elected or appointed to any office under this act, who is now or may hereafter be a defaulter to or to any board of officers or commissioners thereof, or to any county, township or school district of Michigan or to any county, township or school district thereof, and any person shall be considered a defaulter if he has refused and neglected, or may hereafter refuse and neglect, thirty days after demand made, to account for and pay any public money or papers pertaining to his office which have come into his possession. If any person holding such office shall become a defaulter while in office, the office shall thereby be vacated.

The common council shall audit and allow all accounts chargeable against the city, but no account or claim or demand shall be received for audit or allowance unless it shall be accompanied by affidavit of the person rendering it, to the effect that he truly believes that the services or property therein charged have been actually performed or delivered to the city, the sums therefor are reasonable and just, and to the best of his knowledge and belief no set-off exists or payment has been made thereon except such as are endorsed or referred to in the account or claim, and every such account shall exhibit in detail the items making up the amount claimed and the true balance due. It shall be sufficient defense in any court to any proceeding for the collection of any demand or claim against the city of any description whatever, that it has never been presented as aforesaid to the council for allowance, or that the demand was presented without the affidavit aforesaid and rejected by the council, or that the action or proceeding was brought before the council had a reasonable time to investigate and pass on all claims for damage against said city growing out of negligence or default of said city or of any officer or employé. No claim shall be presented to the common council of said city in violation of the provisions above provided, within six months after such claim accrues, and in default thereof shall thereafter be forever barred, and no action in any court on any such claim, the claimant being required to show that such claim has been duly presented in accordance with the manner in this section specified to the common council of said city for audit, investigation and allowance.

The common council of said city is hereby authorized and required to perform the same duties, in and for said city, as are now lawfully imposed upon township boards of the several townships of this State in reference to schools and school taxes, high schools and county and State taxes; in reference to the support of the poor, in reference to the cemetery and proper health of said city; in reference to such other matters as may be herein otherwise provided; in reference to the election of city officers and State and other elections; in reference to

Defaulters ineligible to office.

Accounts, auditing of. Affidavit.

Defense by city to action for collecting claims.

Claims for damages.

Limit of time for presenting.

Duties of council relative to certain taxes.

Support of poor. Cemetery.

Election.

THE UNIVERSITY OF MICHIGAN LIBRARIES

Roads.
Oaths, etc., of
certain officers.

laying out, locating and discontinuing roads and highways in city, and the supervisors, justices of the peace, recorder, directors of the poor, and all other officers of said city who are required to perform the duties of township officers of this State, shall take the oath, give the bond, perform like duties in the same manner, receive the same pay and be subject to the same liabilities as provided for the corresponding officers, except as is otherwise provided in this act, or as may be provided by the common council.

Mayor to nominate officers.

SEC. 22. Between the fifteenth day of April and the first of May of each year, or whenever a vacancy shall occur, the mayor shall nominate a suitable person to fill each of the following offices: Street commissioner, city attorney, police judge, harbor master, two directors of the poor, pound master, inspectors of fire-wood, sealers of weights and measures, commissioner of the board of police and health commissioner, and one or two commissioners of the board of public works, as the case may be, and such other officers as may be necessary to carry into effect the powers herein granted, as the common council may from time to time direct. The common council, a quorum being present, shall thereupon proceed to act upon such nominations respectively, in the manner following: The president *pro tempore* shall occupy the chair, and vote shall then be taken on each of said nominations, and the person receiving the votes of a majority of the aldermen elected shall thereupon be declared appointed; those not receiving such votes shall be declared rejected. The mayor may submit the names of other persons to the common council in lieu of such names as may have been rejected, whereupon the same proceedings shall be had to confirm as aforesaid, until such offices are filled. Such officers shall hold their respective offices until the first day of May of the year next thereafter, unless such officers are removed or suspended, or such offices become otherwise vacant as provided in this act.

Proceedings of council relative to nominations.

The common council, a quorum being present, shall thereupon proceed to act upon such nominations respectively, in the manner following: The president *pro tempore* shall occupy the chair, and vote shall then be taken on each of said nominations, and the person receiving the votes of a majority of the aldermen elected shall thereupon be declared appointed; those not receiving such votes shall be declared rejected. The mayor may submit the names of other persons to the common council in lieu of such names as may have been rejected, whereupon the same proceedings shall be had to confirm as aforesaid, until such offices are filled. Such officers shall hold their respective offices until the first day of May of the year next thereafter, unless such officers are removed or suspended, or such offices become otherwise vacant as provided in this act.

In case of rejection.

The common council in lieu of such names as may have been rejected, whereupon the same proceedings shall be had to confirm as aforesaid, until such offices are filled. Such officers shall hold their respective offices until the first day of May of the year next thereafter, unless such officers are removed or suspended, or such offices become otherwise vacant as provided in this act.

Terms of office.

Such officers shall hold their respective offices until the first day of May of the year next thereafter, unless such officers are removed or suspended, or such offices become otherwise vacant as provided in this act.

Mayor may suspend, etc.

Such officers shall hold their respective offices until the first day of May of the year next thereafter, unless such officers are removed or suspended, or such offices become otherwise vacant as provided in this act.

Additional powers and duties of council.

mayor may suspend or remove any of the officers named in section for good cause, on filing a statement of his reasons therefor, and the reasons for so doing in the office of the recorder.

SEC. 23. In addition to the other powers and duties herein conferred upon it, the common council shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as it may deem advisable with respect to said city, except as may be herein otherwise provided, for the following purposes:

Relative to vice and immorality, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assaults, blazes, and to punish for the same; to preserve peace and good order, prevent and quell riots, to protect the property of the corporation and of its inhabitants, and of any association, public or private corporation, or congregation therein, and to punish injuries thereto, or for unlawful interference therewith;

Vagrants, etc.

Second, To apprehend and punish vagrants, drunkards, tramps, and disorderly persons and common prostitutes;

Third, To restrain, prohibit and suppress all disorderly houses.

and places, houses of ill-fame, assignation houses, gambling houses, and all places where persons resort for gaming or to play games of chance and to punish the keepers thereof; Disorderly houses, etc.

Fourth, To license, regulate, and restrain billiard rooms, bowling alleys or tables and ball alleys, and to punish the keepers thereof; to prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments, devices and material used for the purpose of gaming; Gaming, etc.

Fifth, To regulate, license and restrain ale, beer and porter houses and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on Sundays, and upon such other days and during such hours of every day or night as the common council shall prescribe; to prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any habitual drunkard or intemperate person, minor, employé or apprentice, and to punish any person for so doing; Porter houses, etc. Spirituous liquors, etc.

Sixth, To license, regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows, and all exhibitions of whatever name and nature for which money or other reward is in any manner demanded or received; Sports and exhibitions.

Seventh, To license and regulate auctions and sales at auctions; to regulate the sale of live or domestic animals at auction upon the streets or alleys or upon any public grounds of the city; to license and regulate the sale of goods, wares, property or anything at auction, or any manner of public bidding or offerings by buyers or sellers after the manner of auction sales; to regulate the fees to be paid by and to auctioneers; but no license shall be required in case of sale as required by law to be made at auction or public vendue; Auctions.

Eighth, To license hucksters, peddlers and pawnbrokers in the business of hawking and peddling, and to regulate and license the sale of peddling (directly or by canvassing for subscription) of goods, wares, merchandise, refreshments or any kind of property or thing, by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways, or in and upon the wharves, open places, or spaces, stores, offices and business blocks and places, public grounds or buildings in said city; Hucksters, etc.

Ninth, To abate and remove nuisances of every kind and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer or other offensive or unwholesome structure, house, or place, to cleanse, remove or abate the same from time to time as often as it may deem necessary for the health, comfort and convenience of said city; Nuisances.

Tenth, To direct the location of all slaughter-houses, markets and buildings for the storing of gunpowder and other combustible and explosive substances; Slaughter-houses, storing gunpowder, etc.

Combustible materials, etc.	<i>Eleventh</i> , To regulate, restrain and prohibit the buying, carrying and selling gunpowder, fire-crackers or fire-works manufactured and prepared therefrom, or other combustible materials, the exhibition of fire-works and the discharge of fire-arms, and lights in barns, stables and other buildings and to restrain the making of bonfires in streets and yards;
Encumbering, streets.	<i>Twelfth</i> , To prevent the encumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves, slips in any manner whatever, and to regulate and provide for the anchorage, movement, shifting and removal of all water crafts being and lying in the Muskegon lake and river or in front of or in any dock, wharf or slip in said city; to determine and designate the route and grades of any railroads to be built in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within said city;
Water crafts.	
Railroads, etc.	
Bathing, etc.	<i>Thirteenth</i> , To prohibit or regulate bathing in any public waters or in any open or conspicuous place, and any indecent exposure of the person in the city;
Dogs.	<i>Fourteenth</i> , To provide for the issuing of licenses to the owners and keepers of dogs, and to compel the owners and keepers thereof to pay for and obtain such licenses, and to authorize the killing of all dogs not so licensed, and to regulate and prevent the running at large of dogs;
Dead carcasses, etc.	<i>Fifteenth</i> , To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal and destruction thereof, if any person shall have on his premises such substances or any putrid meats, fish, hides and skins of any kind, and on his default, to authorize the removal and destruction thereof as a public nuisance by some officer of the city;
Sidewalks.	<i>Sixteenth</i> , To compel all persons to build sidewalks in front of premises owned or occupied by them, to keep the same in repair, and to clear from snow, ice, dirt, wood or obstructions;
Ringling of bells, etc.	<i>Seventeenth</i> , To regulate the ringing of bells and the crying of goods and other commodities at sale at auction, and to prevent disturbing noises in the streets;
Fire limits, etc.	<i>Eighteenth</i> , To prohibit, restrain or regulate within said parts of the city as it may deem expedient, the building, rebuilding, enlarging, repairing or placing of wooden buildings therein; to prohibit, restrain or regulate the erection of any building of a combustible nature that is being erected or intended to be erected in such a manner or in such a locality as to endanger the safety of said city; to regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said city, and prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder as provided in this provision, not exceeding five hundred dollars;
Horse-racing, etc.	<i>Nineteenth</i> , To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street;

Twentieth, To establish, order and regulate the markets ; to regulate the vending of hay, wood, meats, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by butchers for license ; to prohibit the sale of unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, impure, spurious or adulterated wines, spirituous liquors or beer, or knowingly keeping or offering same for sale, provided nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter or carcass within the limits of the city ; Markets, etc.

Twenty-first, To license and regulate wharf boats and to regulate the use of tugs and other boats used in and about the harbor and within the jurisdiction of the city ; Wharf boats, etc.

Twenty-second, To establish or authorize, license and regulate ferries to and from the city or any place therein, or from one part of the city to another, and to regulate and prescribe from time to time the charges and prices for transportation of persons and property thereon ; Ferries.

Twenty-third, To regulate and license all taverns and houses of public entertainment and all saloons, restaurants and meeting houses ; Taverns, etc.

Twenty-fourth, To license and regulate all vehicles of every kind used in the transportation of any persons or property for hire in the city ; Vehicles.

Twenty-fifth, To provide for and regulate inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meat and other provisions ; Inspection of meats, etc.

Twenty-sixth, To regulate the inspection of weighing and measuring of brick, lumber, fire-wood, coal, hay and any article of merchandise ; Inspection of weights and measures, etc.

Twenty-seventh, To provide for the inspection and sealing of weights and measures, and enforce the keeping and use of proper weights and measures by venders ; Sealing of weights and measures.

Twenty-eighth, To prescribe rules to govern sextons and undertakers for burying the dead, hacks and their drivers, omnibusses and their drivers, scavengers, porters, chimney sweeps and their fees and compensation ; Sextons, etc.
Hacks, etc.

Twenty-ninth, To make regulations for licensing and regulating carts, drays, cabs, hacks and all carriages or vehicles kept for use or hire, auctioneers, peddlers, pawn-brokers, auctions, peddling, taverns, hotels, victualing houses, saloons or other places or houses for furnishing meals, food or drink, and keepers of billiard tables and ball alleys not used for gaming ; Licensing carts, etc.

Thirtieth, To license and regulate soliciting for passengers or for baggage for any hotel, tavern, public house, boat or railroad ; also draymen, cartmen, truckmen, porters, runners or otherwise, or cabs, hacks, omnibusses, carriages, sleighs, express vehicles, or every other vehicle used or employed for hire, and to fix the amounts and rates of their compensation ; Solicitors for passengers.

Numbering buildings.	<i>Thirty-first</i> , To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners and occupants of buildings to affix numbers on the same;
Lighting streets, etc.	<i>Thirty-second</i> , To make regulations for the lighting of streets and alleys and the protection and safety of public or private lamps and lights;
Telegraph poles, etc.	<i>Thirty-third</i> , To regulate the placing and using of all telegraph poles, telephone, electric light poles and wires;
Preserving salubrity of waters.	<i>Thirty-fourth</i> , To preserve the salubrity of the waters of Muskegon lake or river or other waters in the midst of the city, to prohibit and prevent the depositing therein of all filthy and offensive matter tending to render said water impure, unwholesome and offensive; to preserve and regulate the navigation of said waters within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and to remove obstructions that may at any time occur therein, and to direct and regulate the stationing, enclosing and mooring of vessels, and laying out of cargoes and ballast from the same; to fill up all vacant grounds, lots covered or partially covered with water, or to drain the same as it may deem expedient; and to regulate the cutting of ice in Muskegon lake; and to prohibit and prevent by sufficient penalty the cutting and vending of impure ice from said lake elsewhere within said city;
Navigation, etc.	<i>Thirty-fifth</i> , To provide for public parks and squares, to improve and grade and improve and adorn the same and all grounds in the city belonging to or under the control of the corporation; to regulate and control the same consistently with the purposes and objects thereof;
Filling low grounds, etc.	<i>Thirty-sixth</i> , To provide for taking the census of the inhabitants of said city whenever it may see fit, and to direct and regulate the taking of the same;
Cutting ice.	<i>Thirty-seventh</i> , To establish a grade for streets and sidewalks, and cause the same to be constructed in accordance therewith;
Parks, etc.	<i>Thirty-eighth</i> , To prescribe the duties of all officers appointed by the common council and not otherwise herein provided, and their compensation, and the penalty or penalties for failing to perform such duties;
Census.	<i>Thirty-ninth</i> , To prescribe all bonds and sureties to be given by the officers of the city for the discharge of their duties, and for executing the same, in cases not otherwise provided for by law;
Street grades, etc.	<i>Fortieth</i> , To authorize and regulate the demand and receipt of official of such fees and costs and in such cases as the common council may deem reasonable;
Duties of certain officers.	<i>Forty-first</i> , To fix and regulate the fees of jurors and [or] witnesses in any proceeding under this act, or under any ordinance of the common council;
Bonds, etc.	<i>Forty-second</i> , To sell or otherwise provide for disposing of dirt, filth, manure and debris lying in or gathered from the streets, way, streets, avenues, lanes, alleys or public places, and all
Fees.	
Idem.	
Disposition of filth, etc.	

- and therefrom, or from the public squares and grounds in grading, paving or otherwise improving the same;
- d*, To control, prescribe and regulate the mode of Awnings and signs. and suspending awnings and the exhibition and signs thereon;
- th*, To control, prescribe and regulate the manner in Use of streets, etc. highway, streets, avenues, lanes, alleys, public grounds within said city shall be used, and to provide for the of and prevention of willful injury to gutters in said streets, lanes and alleys;
- e*, To direct and regulate the planting and provide Fees. preservation of ornamental trees therein;
- b*, To prevent the exhibition of signs on canvasses, or Signs on vehicles. and upon any vehicle standing or traveling upon the city;
- th*, To prohibit all practices, amusements and doings Dangerous amusements, etc. which have a tendency to frighten teams or horses or life or property; to remove or cause to be removed walls and structures that may be liable to fall therein or life or property;
- h*, To prescribe the places or stands in the streets of Stands for vehicles. within which any vehicles may be kept for hire, and to stands and places;
- h*, To prohibit and punish the use of toy pistols, Toy pistols, etc. and other dangerous toys or implements within said
- To provide for the protection and care of paupers, Paupers. prohibit and prevent all persons from bringing to the city or place any pauper or paupers, or any person likely to be upon the citizens of said city, and to punish therefor; to authorize the removal from the city of all paupers charge upon said city;
- e*, To establish, organize and maintain an alms-house Alms-house, etc. to purchase necessary grounds, erect and provide for of necessary buildings therefor, either within or without limits, and to appoint the necessary officers therefor, for the government thereof;
- d*, To establish and build a jail, work-houses and Jail, etc. correction for the confinement of offenders, and to erect buildings therefor and control and regulate the same; necessary officers for taking charge of the same and Officers therefor. persons confined therein; to prescribe their powers and provide for their removal from office and the filling up; to provide for the imprisonment and confinement in Imprisonment therein. work-houses and houses of correction, or in the common county of Muskegon, or in any appropriate State institution; to provide for the employment of persons in hard labor or otherwise, all persons liable to be under this act, or any ordinance of said common council, whenever convicted of a violation thereof by any court of record; to provide for the punishment of persons under the jurisdiction of the same; to compel any person confined in a jail, work-house or house of correction, or in the

Further power of council.	common jail of the county of Muskegon, in consequence of violation of any ordinance of said city, to work at hard labor upon the streets and alleys of said city, or in or upon the buildings and premises belonging to said city, during the time the detention of such person is authorized in the places above mentioned. And further, the common council shall have authority to enact all ordinances and make all such regulations consistent with the laws and constitution of the State as it may deem necessary for the safety, good order, good morals and good government of the city and the general welfare of the inhabitants thereof, but no exclusive rights, privileges or permits shall be granted by the common council to any person or persons or to any corporation for any purpose whatever.
No exclusive right to be granted.	
Licenses.	SEC. 25. The common council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as it may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for the faithful observance of the charter of the corporation, the ordinances of the common council, and otherwise conditioned as the common council may prescribe. Every license shall be revocable by the common council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it is granted, or on account of any violation of any ordinance or regulation passed or otherwise ordered by the common council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.
Bond.	
Licenses may be revoked.	
Penalties.	
Terms of license.	SEC. 26. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable, and the common council may provide for punishment by fine or imprisonment, or both, of any person who without license shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the common council.
Moneys for licenses, how credited.	SEC. 27. All moneys received for or on account of any license granted to any person shall be paid into the city treasury to the credit of the contingent fund.
Redistricting the city, etc.	SEC. 28. Whenever the common council shall deem it expedient, it may by ordinance enacted by a concurring vote of not less than two-thirds of the aldermen elect, re-district said city into wards, divide any ward or change the boundaries thereof, establish new wards and increase the number of wards of said city within the limits prescribed by chapter eighty of Howell's Annotated Statutes, and establish, change or define the boundaries of any supervisor district therein.

TITLE VII.

ORDINANCES.

SECTION 1. The style of all ordinances of the common council shall be: "The common council of the city of Muskegon ordain," etc. All ordinances shall require for their passage the concurrence of a majority of all of the aldermen elect; the time when any ordinance shall take effect shall be prescribed therein; such time, when by the terms of the ordinance a penalty is imposed, shall not be less than ten days after its first publication; all process for the enforcement of any ordinance or by-law of said city shall be: "In the name of the people of the State of Michigan."

Style of ordinances.

Majority vote.

When to take effect.

SEC. 2. Every ordinance shall be written out in a plain and legible manner, without erasure or interlineation, before the same shall be passed by the common council, but no ordinance shall be adopted by the common council at the same meeting at which it is proposed, except by unanimous consent of all the aldermen elect, and after any ordinance is adopted by the common council, it shall forthwith be presented to the mayor or acting mayor for his approval. If approved by him, he shall sign such ordinance. If he does not approve the same within ten days after its passage, it shall not become operative until it shall again be submitted to the common council and receive the affirmative vote of two-thirds of all the aldermen elect.

Relative to passage of ordinances.

SEC. 3. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately filed in the office of the recorder, who shall enter the same in a separate book to be kept for that purpose, to be known as the "Book of Ordinances of the City of Muskegon." It shall not be necessary to enter any ordinance at length in the minutes or journal of the common council, but reference may be had thereto by its title, in regard to all actions upon the passage thereof.

Ordinances to be filed and recorded.

SEC. 4. Within one week after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and such publication shall be continued in such paper for two successive weeks. Proof of the requisite publication of any ordinance, resolution or other proceeding of the common council may be made by the affidavit of a printer or publisher of any paper in which the same may have been published, and such affidavit when duly filed with the recorder shall in all cases and places be conclusive evidence of the legal publication of such ordinance, resolution or other proceeding. All ordinances and by-laws of the common council printed and published by its authority shall in all courts, places and proceedings be received without further proof as *prima facie* evidence thereof and of their legal enactment and publication.

Publication of ordinances.

Proof of publication.

Evidence in court.

SEC. 5. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of said city and in all proceedings in such courts relating to or arising

Judicial notice of enactment, etc.

under any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of such ordinance.

Limit of penalty for violation of ordinances.

SEC. 6. When by the provisions of this act the common council has authority to pass ordinances for any purpose, it may prescribe fine [fines], penalties and forfeitures not exceeding five hundred dollars, unless a greater fine or penalty is herein authorized or imprisonment not exceeding three months, or both in the discretion of the court, together with the costs of prosecution for the violation of any such ordinance, and may provide that the offender on failing to pay any such fine, penalty or forfeiture, and costs of prosecution, may be imprisoned in the county jail of Muskegon county, in the jail, work-house, or house of correction of said city, or the Detroit house of correction, for a term exceeding ninety days.

TITLE VIII.

ENFORCEMENT OF ORDINANCES.

Recovery of penalties and forfeitures.

SECTION 1. Whenever a pecuniary penalty or forfeiture shall be incurred for violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action of debt or assumpsit. Whenever a corporation shall incur a penalty or forfeiture for a violation of any ordinance, the same may be sued for in one of the actions aforesaid.

Idem.

SEC. 2. Any action for the recovery of a penalty or forfeiture for the violation of any ordinance, shall be brought in the name of the city of Muskegon, and may be commenced by summons. The form, time of return and service thereof, the pleadings and proceedings in the cause shall, except as otherwise provided hereinafter, conform to and be the same, as nearly as may be, as in the actions for the recovery of penalties for violations of the laws of the State. Upon rendition of judgment against the defendant, execution shall issue forthwith, and, except when against a corporation, shall require that if sufficient goods and chattels can be found to satisfy the same the defendant be committed to the county jail of Muskegon county, the jail, work-house or house of correction of said city, for a period not exceeding ninety days, unless such execution be sooner paid or he be discharged by the course of law.

Prosecution, how may be commenced. Form of warrant.

SEC. 3. Prosecution for violations of the ordinances of said city may also in all cases, except against corporations, be commenced by a warrant for the arrest of the offender. Such warrant shall be in the name of the people of the State of Michigan, and shall set forth the substance of the offense complained of, and be substantially of the form and be issued upon complaint made as provided by law in criminal cases cognizable by justices of the peace, and the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings

Proceedings.

upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and upon the rendition of judgment and execution thereof, shall, except as otherwise provided by this act, be governed by and conform as nearly as may be to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

SEC. 4. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment either by fine or imprisonment, or both, not exceeding the limit prescribed by [in] the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

SEC. 5. Every such judgment shall be executed by virtue of an execution or warrant specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution shall issue forthwith. If the judgment be for both fine and imprisonment, warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence. In cases where a fine and imprisonment in default thereof, or when imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case until the expiration of the sentence, unless the fine and costs be sooner paid; in the latter, for the term named in the sentence.

SEC. 6. The city of Muskegon shall be allowed the use of the county jail of Muskegon county for the confinement of persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and the sheriff or other keeper of such county jail shall receive and safely keep any persons committed thereto, as aforesaid, until lawfully discharged.

SEC. 7. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provision thereof in any complaint, warrant, process or pleading therein; but the same shall be sufficiently set forth or stated by reciting its title and the date of its passage or approval; and it shall be a sufficient statement of the cause of action on any such complaint or warrant to set forth substantially, with reasonable certainty as to the time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of said city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear, try and determine the cause, shall take judicial notice of the enactment, existence and provisions of the ordinance of said city and the resolution of the council, and of the authority of said council to enact the same.

SEC. 8. In all prosecutions for violations of any ordinance of said city, either party may require a trial by jury. Such jury, except where other provision is made, shall consist of six persons, and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as in civil cases triable before such justice. No inhabitant of the city shall be incom-

Judgment.

Costs.

Execution of judgment.

Use of county jail.

Setting forth ordinance in complaint, etc.

Statement of cause of action in complaint, etc.

Court to take judicial notice of enactment, etc.

Trial by, and forming of jury.

petent to serve as a juror in any cause in which the city is a party or interested, on account merely of such interest as he may have in common with the inhabitants of the city, in the result of the suit.

Appeal to
circuit court.

Bonds,
proceedings,
etc.

Idem.

Party making
appeal shall pay
costs, etc.

Disposition of
fines.

Penalty for neg-
lect to pay over,
etc.

Issue, execu-
tion, and return
of process.

Process against
city, how
served.

SEC. 9. Any person convicted for violation of any ordinance of said city in a suit or proceeding commenced by warrant, aforesaid, may remove the judgment and proceedings into the circuit court for the county of Muskegon by appeal or writ of *certiorari*; and the proceedings therefor and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal or *certiorari* in criminal cases cognizable by justices of the peace. And in suits to which the city shall be a party brought to recover any penalty or forfeiture for violation or breach of any ordinance and in any suit or proceeding commenced by summons, warrant or other process, wherein the validity of any ordinance, order or resolution of the common council shall be brought in question, either party may appeal from the judgment or remove the proceedings by *certiorari* into the circuit court; and the like proceedings shall be had thereon, and the like bond or security given as in cases of appeal or *certiorari* in similar cases tried before justices of the peace, except that the city of Muskegon shall not be required to give any bond.

SEC. 10. In case of appeal, after conviction of a violation of any ordinance or by-law of said city, the person making such appeal shall pay the costs, including return fee to the justice of the peace and entry fee in the circuit court, in the same manner as in appeals in civil cases from judgments by justices of the peace.

SEC. 11. All fine-moneys when paid or collected shall be paid into the city treasury to be disposed of as the common council may direct; justices of the peace receiving any such fines and neglecting or refusing to pay over the same within thirty days thereafter, shall be deemed guilty of a misdemeanor and shall be punished accordingly; they shall also be deemed defaulters within the meaning of this act.

SEC. 12. All processes issued by any justice of the peace to enforce or carry into effect any of the ordinances of the common council, shall be directed to the marshal of the city of Muskegon or any constable of the county of Muskegon, and such process may be executed by any of said officers anywhere within the State and shall be returnable the same as other similar processes issued by justices of the peace.

SEC. 13. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by leaving an attested copy of the same with the mayor and recorder.

TITLE IX.

OF FINANCE AND TAXATION.

SECTION 1. The fiscal year of the city of Muskegon shall commence on the third Monday of March in each year, unless otherwise provided by ordinance. Fiscal year.

SEC. 2. The common council shall have authority, within the limitations herein prescribed, to raise annually, by taxation within the corporation, such sums of money as may be necessary to defray the expenses and pay the liabilities of the city and to carry into effect the powers in this act granted. Authority of council to raise money, etc.

SEC. 3. The revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds: Funds.

First, Contingent fund: To defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made; Contingent.

Second, Fire department fund: To defray the expenses [expense] of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city; Fire department.

Third, General highway fund: To defray the expenses of opening, widening, extending, altering and vacating streets, alleys, and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof; General highway.

Fourth, General sewer fund: To defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses; General sewer.

Fifth, Bridge fund: For the construction and maintenance of bridges; Bridge.

Sixth, Water fund: For the maintenance of the water department and providing supplies of water; Water.

Seventh, Public building fund: For providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such public buildings, city hall, offices, prisons, watch-houses and hospitals, as the common council is authorized to erect and maintain, and not herein otherwise provided for; Public buildings.

Eighth, Police fund: For the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city; Police.

Ninth, Cemetery fund; Cemetery.

Tenth, Interest and sinking fund: For the payment of the public debt of the city and the interest thereon; Interest and sinking fund.

Eleventh, Such other general funds as the common council may from time to time constitute; Other general funds.

SEC. 4. Revenues and moneys raised by taxation in special Special funds.

districts of the city shall be divided into the following special funds:

Street district fund.

First, A street district fund for each street district: For defraying the expenses of grading, improving, repairing and working upon the streets therein, and for the payment of all street expenses which the common council shall charge upon the street district;

District sewer fund.

Second, A district sewer fund for each main sewer district: For the payment of the costs and expenses of sewers and drainage in and chargeable to the main sewer district, when the city shall be divided into such districts.

Special assessment fund.

Third, Special assessment funds: Any money raised by special assessment, levied in any special assessment district or special sewer district, to defray the expenses of any work, paving, improvement or repairs or drainage therein, shall constitute a special fund for the purpose for which it was raised.

Limit of general tax.

SEC. 5. The aggregate amount which the common council may raise by general taxation upon the taxable real and personal property in the city of Muskegon, for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the several general sums mentioned in sections three of this title are constituted, exclusive of the taxes for schools and school-house purposes, shall not, except as herein otherwise provided, exceed in any one year three per cent on the assessed value of all the real and personal property in the city made taxable by law, as shown by the last preceding assessment roll.

Limit of street district tax.

SEC. 6. The common council may also raise by tax in each street district, for defraying the expenses of working upon, improving and repairing and cleaning the streets of the district and for all purposes for which the street district fund above mentioned is constituted, a sum not exceeding in any one year one fourth of one per cent on the assessed value of the taxable real and personal property in the district.

Limit of all other special taxes.

SEC. 7. In addition to the above amounts, the common council may raise by special assessment in sewer districts and special assessment districts for the purpose of grading and paving, curbing, graveling and otherwise improving the streets, and for constructing sewers and drains and making other local improvements chargeable upon the lands and property in the district, according to frontage or benefits and for all other purposes for which the main sewer funds and special assessment funds are constituted such sums as it shall deem necessary, but not exceeding in any one year twenty per cent on the assessed value of the property in the sewer district or special assessment district as the case may be, as shown by the last preceding assessment roll of the city.

Tax on private sewers

SEC. 8. A tax or assessment of not more than two dollars per year may be levied upon each lot or premises drained by a private sewer, or drain leading into any public drain or sewer.

Limit of interest and sinking fund tax.

SEC. 9. The common council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed

valuation of the property in the city as shown by the last preceding assessment roll of said city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

SEC. 10. It shall be the duty of the common council to cause estimates to be made in the month of September, in each year, of all the expenditures which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due, or for lands to be acquired, buildings to be erected or repaired, bridges to be built and for the paving of streets, the construction of sewers, making improvements, and for the support of the police and fire departments and for defraying the current expenses of the year, and for every other purpose for which money will be required to be paid from any of the several general funds during such fiscal year, and also to estimate the amounts that will be required to be expended from street district funds during said next fiscal year in working upon, improving and repairing the streets in the several street districts of the city.

Council to cause estimates to be made.

SEC. 11. The common council shall also in the same month determine upon the amount required to be raised in the next general tax levy to meet any deficiencies for the current year; also the amount or part of any special assessment which it may require to be levied or re-assessed in the next general assessment roll of the city upon lands in any main sewer or special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Council to determine amount to be raised.

SEC. 12. The common council shall also in said month of September pass a resolution, to be termed the annual appropriation bill, in which it shall make provision for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds and from the street district funds as estimated and determined upon as provided in section ten of this title, and order the same or so much of said amounts as may be necessary to be raised by tax with the next general tax levy, or by loan or both, and to be paid into the several general funds and street district funds of the city; but the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized by sections five, six and nine of this title to raise by general tax during the year. The common council shall specify in such resolution the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose and to each of the general funds and street district funds. The common council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which it may require to be levied or re-assessed with the next general tax as mentioned in section eleven of this title, and the disposition to be made of such moneys,

Appropriation bill.

Limit of amount.

What resolution to specify.

and shall also designate in said bill any local improvements which it may deem advisable to make during the next fiscal year, to be paid for in whole or in part by special assessments, and the estimated cost thereof.

What to be certified to clerk of board of supervisors.

SEC. 13. All sums ordered in the annual appropriation bill any year to be raised for the several general funds, and all amounts reported to the common council by the board of education and authorized to be raised for schools, library and school-house purposes, shall be certified to the clerk of the board of supervisors of the county of Muskegon on or before the first Monday of October, and all sums ordered in said bill to be levied or re-assessed in street or sewer districts or as special assessments shall be certified at the same time to the assessor of said city as in this act provided, and all such sums shall be levied and collected with the State and county taxes next thereafter to be levied in the city.

Also to assessors.

Levy, etc.

After passage of appropriation bill no further sum to be raised.

Exception.

SEC. 14. After the passage of the annual appropriation bill no further sums shall be used, raised or appropriated; nor shall any further liability be incurred for any purpose, to be paid from any general fund or street district fund, during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors of the city or such district as the case may be, voting upon the proposition at the next annual city election, or at any special election called for that purpose; but this section shall not prohibit the common council from making any necessary repairs or expenditures, at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident, happening after making the annual appropriation for the year, and for loaning the money therefor.

Limit of payments, liabilities, etc.

SEC. 15. No improvement, work, repairs or expense, to be paid for out of any general fund, or street district fund, except as herein otherwise provided, shall be ordered, commenced, or contracted for or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor, in the last preceding annual appropriation bill; nor shall any expenditure be made, or liability be incurred in any such year for any such work, improvement, repairs or for any purpose exceeding the appropriation so made therefor, nor shall any expenditure be made, or money be paid out of any general or street district fund, for any purpose unless appropriated for that purpose in said bill: *Provided*, That nothing in this section contained shall be construed to hinder, delay or prevent the levying of special assessments within the limitations prescribed in section seven of this title and in accordance with the provisions of title eleven of this act.

Proviso.

When improvements, etc., may be commenced and how paid for.

SEC. 16. No public work, improvement, or expenditure, shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contracted to be paid for except from the proceeds of the tax or assessment thus levied.

SEC. 17. Instead of levying a tax for the whole amount authorized

ized by this act to be raised in that manner in any year, for the purpose of the general and street district funds, the common council may, in its discretion, raise a part thereof by tax and a part thereof by loan: *Provided*, That the aggregate amount of taxes and loans so raised and made shall not exceed the amount for which a tax might be levied for the same year.

Limit of amount council may raise by loan.

SEC. 18. The common council shall also have authority to raise money by loan in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied, and interest may be added thereto as a part of the cost of the improvement. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Idem.

SEC. 19. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the common council under the foregoing provisions of this title, such amounts may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the electors voting upon the question at an annual city election, or at a special election called for that purpose. The amount that may be voted or raised in any year under the provisions of this section shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the last preceding assessment roll made therein.

Greater amount may be raised by loan if authorized by vote of electors.

Limit.

SEC. 20. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the common council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor and whether by tax or loan. Such ordinance or resolution, after having been adopted by the common council, shall be published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each supervisor district of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

Method of submitting proposition to electors.

SEC. 21. All moneys and taxes raised, loaned or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other, nor shall the moneys belonging to one fund be transferred to any other fund or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund, at the close of any fiscal year. In such case the surplus may be transferred to the sinking fund should there be a deficiency in that fund, otherwise the common council may apply such surplus as it shall deem proper. But whenever there shall, from any unforeseen cause, be a deficiency in the police fund, fire department fund, or water fund, the common council may transfer from the contingent fund to supply the deficiency thus exist-

Funds to be kept separate.

How applied.

Surplus.

Deficiency.

Contingent fund.	ing. Moneys not received or appropriated for any part of the fund shall be credited to the contingent fund.
Money, how drawn.	SEC. 22. No money shall be drawn from the treasury of the city in pursuance of the authority and appropriation of the common council, and upon warrant signed by the recorder and common council, or signed by the mayor, or in case of a vacancy in the office of the mayor, or in the absence of the mayor from the city, by the acting mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.
Warrants, what to specify.	SEC. 23. No warrant shall be drawn upon the treasury of the city the fund from which it should be paid has been exhausted, when the liabilities outstanding, and previously incurred and payable from such fund, are sufficient to exhaust it.
When no warrants to be drawn,	SEC. 24. No loans shall be made by the common council of the city in its authority in any year, exceeding the amounts prescribed by law. For any loans lawfully made, the bonds or other obligations of the city may be issued, bearing a legal rate of interest, and record showing the dates, numbers and amounts of all bonds and other obligations issued, and when due, shall be kept by the recorder. When deemed necessary by the common council, the recorder may extend the time of payment, new bonds or obligations may be issued in place of former bonds or obligations falling due, in the same manner as merely to change, but not to increase the indebtedness of the city. Each bond or obligation shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.
Loans, bonds, etc.	SEC. 25. Immediately upon the close of the fiscal year, the common council shall audit and settle the accounts of the treasurer and other officers of the city, and the accounts as far as practicable, of all persons having claims against the city, and shall make a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund, and the amount levied by special assessments, and the amount collected for each, and the amount of money borrowed and upon what terms and for what purpose; also the items and amounts received from all other sources during the year and the objects thereof, classifying the expenditures for each purpose separately. The statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and at what rate of interest, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.
New bonds.	SEC. 26. Said statement, signed by the mayor and recorder, shall be filed in the office of the recorder, and a copy thereof shall be published in one of the newspapers of the city at least five days previous to the next annual city election.
Bonds, etc., what to show.	SEC. 27. If any officer of the corporation shall directly or indirectly appropriate or convert any of the moneys, securities or
Duty of council at close of year to settle accounts, etc.	
Statement, what to contain.	
Filing and publishing statement.	
Appropriating money to private use, malfeasance in office.	

dences of value, or any property whatsoever, belonging to the corporation or any board thereof to his own use, or shall directly or indirectly and knowingly appropriate or convert the same to any other purpose than that for which said moneys, securities, evidences of value or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office and may be prosecuted, tried and convicted therefor, and on conviction may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court. Penalty.

TITLE X.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The assessor of the city of Muskegon shall in each year make and complete an assessment of all the real and personal property within the city of Muskegon, liable to taxation under the laws of this State, and of all the property of any person liable to be assessed therein, in the same manner as required by law for the assessment of property in the townships of this State, and in so doing he shall conform to the provisions of law covering the actions of supervisors of townships, performing like services, and in all like services, unless otherwise in this act provided, conform to the provisions of law applicable to the actions and duties of supervisors in townships in the assessment of property, the levying of taxes and in the issuing of warrants for the collection and return thereof, which said assessment roll shall be completed by said assessor on or before the first day of June in each year. In the matter of the assessment of property, the levying of taxes and the collection thereof, the city of Muskegon, except as in this act otherwise provided, shall be considered and treated as a township under the provisions of the general laws of this State. Duties of assessors.

City to be considered as a township for certain purposes.

SEC. 2. The several general funds mentioned in section three of title nine of this act shall be assessed in the aggregate under the head of "city taxes" and in a separate column so headed, except interest and sinking fund, which shall be assessed separately, and shall be placed in a separate column so headed. The several special funds mentioned in section three of title nine shall be assessed in the aggregate under the head of "special city taxes." and in a separate column so headed; all special assessments shall be assessed separately and in a column headed "special assessments." In all other respects, except as in this act otherwise provided, the assessment roll shall be made in accordance with the provisions of the general law of this State. Form of assessment roll.

SEC. 3. The assessor of said city, the city attorney and three qualified electors, to be appointed by the common council, on the nomination of the mayor, who shall severally take the constitutional oath of office, and organize by electing one of their number chairman, shall constitute a board of review of assessments, Board of review.

of which board the recorder shall be clerk; and in case of a tie vote on any question that may arise before said board, he shall have the casting vote. In case of a vacancy in the office of recorder or his inability to attend, said board may choose some competent person to act as clerk *pro tem.*, who shall have the same powers and perform the same duties as by this section is conferred upon the recorder. Said board is hereby authorized to appoint a stenographer to attend its meetings, a reasonable compensation for whose services in that regard shall be allowed by the common council on the certificate of the chairman of said board. It shall be the duty of said board to meet on the first Monday of June of each year at the common council room, and to remain in session six hours each day for at least ten days. Of such meeting the recorder shall give ten days' previous notice by publication in each of the public newspapers printed in said city, and by posting said notice in three of the most public places in each supervisor district. During the first three days of its session said board, of its own motion, or on sufficient cause being shown by any person, shall add to said roll the names of persons, the value of personal property, and the description and value of real property liable to assessment in said city, omitted from said assessment roll, or strike therefrom property improperly assessed thereon. It shall correct all errors in the names of persons, in the description of property upon such roll, and in the assessment and valuation of property thereon, at the request of any person whose property is assessed thereon, or of his agent, and on sufficient cause being shown it shall correct the assessment as to such property in such manner as in its judgment will make the valuation thereof relatively just and equal. After the expiration of the first three days of its session, said board shall not add to said roll the names of any persons nor the description of any property; nor shall it increase any assessment thereon. During the following five days of its session said board may hear any complaints concerning said roll, or any assessment thereon. It may require any or all complaints to be submitted in writing, as in its judgment it may deem best. Said board may, upon satisfactory testimony, strike from said roll any property not legally thereon, and may, at the request of any person whose property is assessed thereon, and on sufficient cause being shown, reduce the assessment of said person, and shall cause to be done whatever else may be necessary to make said roll comply with the provisions of this act and of the general tax law of this State. After the expiration of the five days above named, said board shall hear no complaints, but during the remaining days of its session shall determine from the evidence before it what changes, alterations and corrections are necessary and proper to be made in order to secure a just and true appraisement and valuation of the real and personal property in said city, and it shall incorporate such changes, alterations and corrections in said roll. Said board may make a new roll whenever it may deem the same necessary, embracing such alterations and corrections as may

Vacancies, how filled.

May appoint stenographer.

Meetings.

Notice of.

Duty of board during first three days of session.

During the succeeding five days.

During the last two days.

May make new roll.

have been adopted by said board at said meeting. It shall be the duty of said recorder to attach his certificate to said assessment roll, showing that the same has been duly revised and corrected, and said roll, or any new roll that may have been made by order of the board, shall be and remain the assessment roll of said city for the purposes mentioned in this act. The determination and decision of said board, as to all matters submitted to it under the provisions of this act, and of the general tax law of this State, shall be final and conclusive, and shall not be subject to review by any court. Said board shall also have the same powers and perform like duties as are granted to and imposed upon boards of review in townships under the general tax law of this State, not inconsistent with the provisions of this act.

Certificate.

Determination
of board final.Further powers
and duties of
board.

SEC. 4. When the board shall have reviewed and corrected the assessment roll of said city, and attached its certificate thereto, as in the last preceding section provided, the assessor shall, within thirty days thereafter, deliver a certified copy of his assessment roll to the recorder, to be filed in the recorder's office for the use of the common council.

Where copy of
roll to be filed.

SEC. 5. On or before the first Monday of October in each year, the recorder shall certify to the county clerk of Muskegon county the aggregate of all sums which the common council require to be raised for the year for all city purposes, and for school, library and school-house purposes, by general taxation upon all the taxable property of the whole city.

Recorder to
certify to
county clerk
sums to be
raised, etc.

SEC. 6. On or before the first day of October in each year the recorder shall certify to the assessor of said city for assessment therein, all the amounts which the common council require to be assessed or re-assessed in any street district, main or special sewer district, or other special assessment district, or upon any parcel of land, or against any particular person as a special assessment or otherwise within said city, or for any unpaid special assessment, or for any lien or charge created against any person or upon any parcel of land under any ordinance, order or resolution of the common council under the provisions of this act, together with a designation of the district, a description of the land or person, upon or within which the several sums are to be assessed or re-assessed, with such further descriptions and directions as will enable the assessor to assess the several amounts upon the property and person chargeable therewith.

Recorder to
certify to
assessor.
Amounts, etc.

SEC. 7. The assessor of said city, at the time of levying the State and county taxes therein for the year, shall levy in the same roll upon all the taxable property in said city, the amounts certified to him by the clerk of the board of supervisors, as provided by law to be raised for city, school and library purposes, placing the city taxes in one column, as provided in section two of this title. and the school, library, two-mill and school-house taxes in another column, and he shall also levy in the same roll upon the lands, property and persons chargeable therewith, all special assessments and sums reported to him by the recorder, as provided in the last preceding section for assessment or re-assessment in

Assessor to levy
taxes.How placed on
roll.

any street districts, or for other assessments, placing all such taxes in a column of special assessments; he shall place the State and county taxes in other columns. The amount of the several taxes so levied upon each valuation shall be carried into another column and the aggregate of taxes shall be carried into the last column of the roll. The assessor upon completing his roll shall certify to the city treasurer the amounts of taxes levied in his roll for State and county purposes, the amounts levied therein for city and school taxes, special assessments and other purposes, and he shall charge the amount thereof to such treasurer. The city treasurer shall give a bond to the county treasurer in the same manner as township treasurers are required to do, and thereupon and on or before the first Monday in December the assessor shall deliver a certified copy of the assessment roll with the taxes extended therein as aforesaid, to the city treasurer with his warrant, for the collection of the taxes therein, annexed thereto.

Certificate, etc.

Assessor to deliver copy of same to treasurer.

Warrant, what to contain.

SEC. 8. The warrant annexed to such roll shall state the several amounts levied therein to be paid into the city and county treasuries respectively, and shall command the city treasurer to collect from the several persons named in the said roll the several sums named in the last column thereof opposite their respective names, and to pay over and account for all moneys collected and specified in the roll as in said warrant directed, on or before the first day of February then next, and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of said person. The assessor shall have such powers and perform such duties not herein particularly enumerated as are conferred by the general tax law of this State upon supervisors of townships. The time for collection of taxes may be extended by the common council, not exceeding one month. The one per cent to be added as interest on all taxes unpaid on the first day of February, in accordance with the provisions of the general tax law of this State, shall be collected by said treasurer and paid into the contingent fund of said city.

Further powers and duties of assessor.

Extensions of time for collecting. Interest on taxes, when paid.

Index to roll.

SEC. 9. The assessor shall make an index of said assessment roll, showing in alphabetical order the names of all persons against whom an assessment is levied therein, and the several and respective pages of said roll upon which said assessment appears. He shall deliver said index to the board of review at the time appointed for the meeting thereof, and the same shall be kept by said board for the use of tax-payers during the session of said board. Said index shall be delivered to the treasurer when the tax-roll shall be delivered to him, and shall thereafter be kept in his office for the use of tax-payers. The clerk of the board of review shall correct said index in such manner as to embrace therein all corrections or alterations made by said board. A duplicate of said index shall be made by the assessor and filed with the certified copy of the assessment roll in the office of the recorder, for the use of the common council.

Duplicate.

SEC. 10. Upon receiving the tax-roll as above provided, the

er shall give notice immediately to the tax-payers of that such roll has been delivered to him, and that the rein levied may be paid to him at this office at any time the first day of January then next, with a charge of one for collection, but that four per cent collection fees will be collected upon all taxes remaining unpaid on the first day of January. Said notice shall be given by publishing the same twice in one of the newspapers of the city, and by posting thereof in three public places in each supervisor district. It shall be the duty of the treasurer to be at his office at ten o'clock in the forenoon to five o'clock in the afternoon, on the first day during the month of December, and to receive and collect such taxes as may be offered to him. He shall collect fees upon all taxes paid to him before the first day of January one per cent, and on all taxes paid after the first day of January four per cent. The treasurer shall have such powers and such duties, not herein particularly enumerated, as are conferred upon township treasurers by the general tax law of this

Notice by
treasurer on
receipt of roll.

Treasurer,
when to be at
his office.

Fees.

Further powers
and duties of
treasurer.

1. All the provisions of law respecting delinquent taxes in townships shall apply to all taxes, special assessments and charges created, ordered or levied in the city of Muskegon, returned as delinquent to the county treasurer; and the same shall apply to taxes, special assessments and charges created, ordered or levied therein, and returned to the county treasurer as delinquent, shall, except as herein otherwise provided, be considered as a township, and all provisions of law for the same shall apply to the same. The same shall apply to the same for the payment of taxes levied for State, county and township purposes returned delinquent shall apply to the same. The same shall apply to the same for the non-payment of delinquent taxes, special assessments and charges created, ordered or levied in the city of Muskegon, except as herein otherwise provided.

Return, sale,
etc., of delin-
quent taxes to
be governed by
general law, etc.

2. The tax-roll with the warrant attached, as above provided, shall be delivered to the city treasurer in the manner specified: *Provided*, Security has been given by such city treasurer as required by law, or in this act provided, and if such security shall not have been given by such city treasurer in the time required the common council shall appoint some suitable person, who shall give the security, to collect the taxes spread on such tax-roll, and the person so appointed shall thereupon be entitled to receive the tax-roll, and shall collect and pay over such taxes and make the same in his doings thereon in the same manner and shall have the same powers and perform all the duties and be subject to the same liabilities as in this act conferred upon the city treasurer, for the purpose of the collection and return and paying over of the same. The city treasurer or person authorized to collect the same herein provided may, in his discretion, proceed to collect the same on the tax-roll at any time after the same is delivered to him of said roll.

Tax roll, to be
delivered to
treasurer.
Provided.

When personal
taxes may be
collected.

THE UNIVERSITY OF MICHIGAN LIBRARIES

Certain taxes, etc., not held to be illegal in certain cases.

SEC. 13. No general or special tax, special assessments and charges created, ordered or assessed in said city upon any property therein, shall be held illegal or invalid for any matter of form in any matter not affecting the merits of the case, and which shall not injure or prejudice the rights of the party assessed; and all taxes and special assessments and charges created, ordered and assessed in said city shall be presumed to be legally assessed until the contrary is affirmatively shown, and no such presumption shall be rebutted, or any sale for taxes, special assessments and charges created, ordered or assessed in said city, rendered invalid by showing that any paper, certificate, return or affidavit required to be made and filed in any office, is not to be found in the office where the same ought to be filed or found, but until the contrary is proved the presumption shall be in all such cases that such paper, certificate, return or affidavit was made and filed in the proper office.

Poll tax.

SEC. 14. The common council shall have power to assess and collect from every male inhabitant in the city over the age of twenty-one and under the age of fifty years, except paupers, idiots and lunatics and other persons who are by law exempt, an annual capitation or poll tax not exceeding one dollar, and the common council may by ordinance provide for the collection of the same. Any person assessed for poll tax may pay the same by one day's labor upon the streets under the direction of the street commissioner. The money raised by such poll tax shall be expended under the direction of the common council.

Limit of.

May be paid by labor.

Money from, how expended.

TITLE XI.

SPECIAL ASSESSMENTS.

Certain improvements to be paid from general fund.

SECTION 1. The cost and expense of the following improvements, including the necessary lands therefor, viz: For city hall and other public buildings and offices for the use of the city; engine houses and structures for the fire department; for water-works, market houses and spaces, cemeteries and parks, watch-houses, city prisons and work-houses, public wharves and landings, lands appropriated for streets and rights of way shall be paid from the proper general funds of the city, except that in case of lands appropriated for streets and rights of way the cost thereof may be paid in whole or in part from the avails of special assessments to be levied therefor in the manner herein prescribed. Whenever in the opinion of the common council the benefits thereof are special, rather than general or public, when, by the provisions of this act, the cost and expenses of any local or public improvement may be defrayed, in whole or in part, by special assessment upon lands fronting on and adjacent to, or otherwise benefited by the improvement, such assessment may be made in the manner hereinafter specified.

Exception.

SEC. 2. For the purpose of making any special assessment, the

- council may designate and appoint any one or more of
 visors of said city, and the city surveyor, or it may design- **Board of**
 appoint any two or more disinterested freeholders of **assessors.**
 who shall constitute a board of assessors. Before enter- **Oath.**
 the discharge of their duties they shall make and file
 city recorder an oath faithfully and impartially to dis-
 their duties in making such assessment. The compensa- **Compensation.**
 such assessors shall be fixed and paid by the common
3. Whenever the common council shall determine to make **Apportionment**
 ssary public improvement or repairs and defray the whole **of expense of**
 art of the cost and expenses thereof by special assessment, **contemplated**
 so declare by resolution, stating the improvement and **improvements.**
 rt or portion of the expense thereof shall be paid by
 ssessment, and what part, if any, shall be paid from the
 funds or from street district funds of the city; and it shall
 gnate the district of lands and premises upon which the
 ssessment shall be levied.
4. Before ordering any public improvement or repairs, **Estimate, etc.,**
 t of the expense of which is to be defrayed by special **to be filed.**
 nt, the common council shall cause estimates of the
 thereof to be made, and also plats and diagrams when
 ble of the work and of the locality to be improved, and
 h the recorder for public examination, and the common
 shall give notice thereof, and of the proposed improve- **Notice of meet-**
 work, and of the district to be assessed therefor, by pub- **ing to consider**
 in one of the newspapers of said city for at least two **objections.**
 ve weeks, and of the time when the common council will
 d consider any objections thereto. If the owners of a
 of the property to be assessed shall appear and object
 no such improvement shall be made unless the common
 shall, by a vote of at least two-thirds of the aldermen
 der such improvement to be made. The cost and expense
 mprovement shall include the cost of surveys, plans, **What costs and**
 nts and cost of construction. In no case shall the whole **expenses to in-**
 to be levied by a special assessment upon any lot or prem- **clude.**
 any one improvement, exceed twenty-five per cent of the **Limit of amount**
 such lot or land as valued and assessed for State and **to be levied.**
 axation in the last preceding assessment roll. Any cost **How balances**
 g that percentage which would otherwise be chargeable on **to be paid.**
 or premises shall be paid from the general funds of the
 ll special assessments to defray the estimated cost of **Time of levying.**
 rovement shall be levied before the making of such
 ment.
5. Whenever the common council shall by resolution **Directions for**
 ny special assessment to be made, they shall direct the **making special**
 be made by the person or persons named in section two **assessment.**
 title, and shall state therein the amount to be assessed,
 ther according to frontage or benefits; and describe or
 e the lots and premises constituting the district to be

Assessment
roll.

SEC. 6. Upon receiving such order and directions, the assessors or assessors named therein shall make out an assessment roll, entering and describing therein all the lots and premises, parts of lots to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessment thereon, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the common council and the provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the common council.

Completion to
be reported to
council.

Assessments
according to
frontage.

SEC. 7. If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied, as the length of the lot of such premises abutting or fronting upon the improvement bears to the whole frontage of all the lots or premises to be assessed, unless on account of the shape or size of any lot or premises an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or premises from the improvement.

According to
benefits.

When itemized
bill for expense
of improvement
to be rendered.

SEC. 8. When any expense shall be incurred by the city or in respect to any separate or single lot, parcel of land or premises, which by the provisions of this act the common council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lots or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the common council in such manner as the common council shall prescribe.

Duty of council
relating thereto.

SEC. 9. The common council shall determine what amount or part of every such expense shall be charged and the persons, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and as often as the common council shall deem it expedient it shall require the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively, to be reported by the recorder to any board of assessors appointed for that purpose for assessment, or the same may be reported to the city assessor for assessment in the next general assessment roll for said city.

Duty of board of
assessors on
receiving
reports, etc.

SEC. 10. Upon receiving the report mentioned in the preceding section, the board of assessors, after appointment as aforesaid, shall make a special assessment roll, and levy as a special assessment thereon, upon each lot or parcel of land so reported to it, against the person chargeable therewith, if known, the whole amount or amounts of all charges so directed, as aforesaid, and

upon each of such lots or premises respectively, and when the same shall be completed said board shall report the same to the common council.

11. When any special assessment roll shall be reported to the board of assessors the same shall be filed in the office of the recorder. Before adopting such assessment the common council shall cause notice to be published for at least two weeks, and cause any of the owners of property to be affected by such assessment to be non-residents, for at least three weeks, in some newspaper of the city, of the filing of said assessment roll with the recorder, and appointing a time when the common council and board of assessors will meet to review the assessment. Any person objecting to such assessment may file his objection in writing, with the recorder.

Roll to be filed with recorder.

Notice of review.

12. At the time appointed for that purpose, as aforesaid, the common council and board of assessors shall meet, and then, at the next adjourned meeting, review the assessment and consider objections made thereto; and the common council shall confirm the same, if necessary, and confirm it as reported, or as amended; or it may refer the assessment back to the board of assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the original assessment. When a special assessment shall be confirmed the recorder shall endorse a certificate thereof upon the roll, giving the date of confirmation.

Objections, when filed.

Review, correction and disposition of roll.

13. When any special assessment shall be confirmed by the common council it shall be final and conclusive; but no such assessment shall be confirmed except by the concurrence of two-thirds of the aldermen elect.

Certificate.

14. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the persons owning the same until paid.

Assessment final. How confirmed.

15. Upon the confirmation of any special assessment the same thereof may be divided into not more than four installments to be collected quarter-yearly, or one of such installments to be collected each year, at such time as the common council may determine, with annual interest at a rate not exceeding ten per cent.

Assessments, a lien.

16. Upon the confirmation of any special assessment the same thereof may be divided into not more than four installments to be collected quarter-yearly, or one of such installments to be collected each year, at such time as the common council may determine, with annual interest at a rate not exceeding ten per cent.

Division into installments.

17. Should any lots or lands be divided after a special assessment thereon shall have been confirmed and divided into installments, and before the collection of all the installments, the common council may require the board of assessors to apportion the uncollected amounts upon the several parts of lots and parcels so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments shall be collected accordingly.

What portion due on confirmation.

Proceedings in case of division of lands before taxes collected.

ments thereafter made upon such lots or lands shall be according to such division.

Additional assessments in case of deficiency.

SEC. 18. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the common council may, within the limitation prescribed for such assessment, make an additional *pro rata* assessment, to supply such deficiency; and in case a greater amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Surplus refunded.

In case of irregularity new assessments to be made.

SEC. 19. Whenever any special assessment shall, in the opinion of the common council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the common council shall, whether the improvement has been made or not, or whether any part of the assessments have been made or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. Whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises; and the re-assessment shall to that extent be deemed satisfied.

Sum paid, etc., how applied.

Lien not to be destroyed.

SEC. 20. No judgment or decree, nor any act of the common council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

Payable assessments may be reported to assessor.

SEC. 21. Whenever any special assessment shall be confirmed and be payable, the common council may direct the recorder to report to the city assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and to require said city assessor to levy the several sums so assessed as a tax upon the several lots or premises to which they were assessed respectively. Upon receiving said report, the city assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the general assessment roll next thereafter to be made in a column for special assessments, and thereupon the amounts so levied in said general assessment roll shall be collected and enforced with the other taxes in the general assessment roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid, and when collected shall be credited to the proper funds.

Assessor to levy sum reported.

Collection of.

Where credited.

Council may order a direct collection by treasurer.

SEC. 22. Whenever any special assessment shall be confirmed, and be payable, as hereinbefore provided, the common council instead of requiring the assessments to be reported to the city assessor, as provided in the last preceding section, may direct the assessment so made in the special assessment roll to be collected

therefrom, and thereupon the mayor shall attach his warrant a certified copy of said special assessment roll, therein directing the city treasurer to collect from each of the persons in said roll, the amount of money assessed and set opposite therein, and in case any person named in said roll neglect or refuse to pay his assessment, upon demand, then and collect the same by distress of the goods and chattels of such person; and return said roll and warrant, together with a return thereon, in sixty days from the date of such warrant. If any assessment shall remain unpaid after the time limited for payment thereof as in this section provided, the common council may direct the amount thereof to be levied, together with interest thereon at eight per cent per annum, in the general assessment roll, as in the last preceding section provided.

23. Upon receiving said assessment roll and warrant the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the city treasurer shall seize and levy upon any personal property found within the city or elsewhere within the county of such person, and sell the same at public auction, giving six days' notice of the time and place of such sale by posting such notice in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as shall be necessary for that purpose, shall be applied to the payment of the assessment, and a balance of five per centum upon the amount of the assessment less the costs and expenses of said seizure and sale, and the surplus, shall be paid to the person entitled thereto. The city treasurer shall receive as compensation for the collection of said assessment one per cent upon all amounts paid at his office within sixty days from the time of the tax-roll's coming into his hands, and four per cent upon all amounts paid upon the owner's personal application, or after the expiration of the sixty days.

24. Said warrant may be renewed from time to time by order, if the common council shall so direct, and for such term as they shall determine, and during the time of such renewal the warrant shall have the same force and the city treasurer shall perform the same duties and make the like returns as above.

25. The city treasurer shall make return of such assessment roll and warrant to the recorder according to the requirements of the warrant, and if any of the assessments in said roll remain unpaid he shall attach to his return a statement verified by affidavit containing a list of the persons delinquent, a description of the lot and premises upon which the assessments remain unpaid and the amount unpaid on each. In case any assessments shall be officially returned by the city treasurer unpaid, as aforesaid, the same may be re-assessed in the next assessment roll, as above provided, or such premises may be sold to pay such demand in the manner hereinafter set forth.

Return, etc.

Treasurer to collect.

Proceedings in case of neglect or refusal to pay.

Compensation of treasurer for collecting.

Warrant may be renewed.

Treasurer's return to recorder.

Disposition of unpaid assessment.

May collect by
action of
assumpsit.

SEC. 26. At any time after the special assessment has become payable the same may be collected by the city and in the name of the city against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount; in every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and the certified order or resolution confirming the same, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor.

Evidence.

In case of
irregularity,
etc.

SEC. 27. If in such action it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant or the lot or premises said to be charged, the court, nevertheless, on satisfactory proof that the expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

TITLE XII.

SALE OF LANDS FOR SPECIAL ASSESSMENTS.

Publication of
list of unpaid
assessments and
notice of sale.

SECTION 1. Within thirty days after the return of such list of unpaid special assessments the common council may, by resolution, direct the recorder to advertise for sale the real estate so returned in the manner herein provided. Said recorder shall thereupon cause said list to be inserted in a newspaper printed in said city, together with a notice that the real estate therein described will be exposed for sale in separate parcels at public auction, on a day not less than thirty days from the first publication of said notice, to be stated in such notice, at the recorder's office in the city of Muskegon, and that the same will be sold to the highest bidder for the purpose of collecting such assessment and interest thereon and fifty cents for the cost of selling each lot in addition to the cost of advertising, which cost of advertising shall not exceed fifty cents for each parcel. Such notice shall be published at least once in each week during the time. Such sale may be postponed by the treasurer from time to time by public proclamation made at the time and place of sale, and by inserting notice of such postponement in the paper containing said notice of sale and immediately thereunder. If for any cause such sale shall not take place at the time in said notice specified, or at the time to which it may have been postponed, the common council may direct the recorder to re-advertise and sell said real estate in manner and form as aforesaid.

Cost of selling,
etc.

Publication of
notice.
Postponement
of sale.

Re-advertising.

Sale of land,
issue of certifi-
cate, etc.

SEC. 2. The city treasurer shall attend such sale and sell the premises, but in case of his absence or inability to attend, he may appoint any of his deputies to act in his place. The recorder shall also attend such sale, and enter in a book to be provided for that purpose, all the particulars of such sale, and shall make out

er to each purchaser a certificate of his purchase, stating a purchaser will be entitled to a deed of the real estate described, at the expiration of one year, unless the same redeemed. The treasurer shall receive the amount of assessment, with interest and cost, if paid or tendered at any sale.

. In case no person shall bid at said sale the amount of assessments and costs, the parcels of land charged therewith struck off to the city of Muskegon, and the recorder shall certify to the common council a statement of the parcels struck off to the city, and the common council shall order assessment for which such parcels were struck off to said city paid out of the contingent fund.

. All lands sold for taxes or assessments shall be sold to the highest bidder: *Provided*, That no bid shall be received for a greater amount than the assessment, with interest and all costs and expenses up to the time of such sale. In case a greater amount is received than the assessment, the surplus shall be held by the city treasurer for the benefit of the person entitled thereto. Upon application of any person to the common council, and upon satisfactory proof of ownership of any surplus moneys so paid on such sales, the council shall order a warrant to be drawn upon the treasurer in favor of such claimant, for the amount of such

Amount of assessment to be received if tendered before sale.

When lands to be struck off to city.

Manner of selling lands. *Provided*.

Surplus, how disposed of.

Any lands sold under the provisions of this act for any assessment, or any distinct parcel thereof, may be redeemed within one year after the date of the sale of the same by paying to the recorder the amount for which it was sold, with interest on the same from the date of the sale to the time of redemption at the rate of twenty-five per centum per annum, and the recorder shall keep a record of said redemption. In case said lands shall not be redeemed, as aforesaid, it shall be the duty of the recorder of said city, on presentation of the certificate of purchase, to execute and deliver to the purchaser, or to the assignee of the certificate of purchase, a deed of the premises in form prescribed by the common council, which deed shall be deemed as other conveyances, and when executed, acknowledged and delivered shall vest the fee of the land in the purchaser or assignee, and such deed shall be deemed and taken to be conclusive evidence of the existence and regularity of all such proceedings as might otherwise be required to be proved in order to establish a title in the purchasers.

Redemption.

Conveyance.

Deed, evidence of regularity of proceedings.

TITLE XIII.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use for the purpose of opening, widening, altering and extending streets, alleys and avenues, for the construction of bridges, for

Purposes for which private property may be appropriated.

Manner of acquiring without consent of owner.	buildings and structures for the fire department, for public grounds, parks, market places and spaces, for public wharves, docks, slips, basins and landings, for the improvement of water-courses, for sewers, drains and ditches, outlets and discharges for the same, for water-works and for necessary public buildings, hospitals, pest-houses and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same and the just compensation be made therefor and actually paid or secured, in the manner in this act provided, shall be determined by a jury of twelve freeholders residing in the city. Nor shall any improvement requiring the taking of private property be made, except with the concurrence of two-thirds of all the aldermen elect. The common council may, however, acquire such property by negotiation and purchase.
Concurrence of two-thirds of all aldermen elect required.	SEC. 2. When the common council shall deem it necessary to make any public improvement requiring the taking or using of private property not acquired by purchase, it shall so declare by resolution, describing the proposed improvement and each parcel of land designed to be taken, giving the names of the owners and the persons interested therein, so far as known, and shall in the same resolution designate a justice of the peace of said city, to whom application will be made at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land and the just compensation to be made therefor.
Resolution, what to contain.	SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three weeks in one of the newspapers of said city, if personal service on all parties interested cannot be had, the first publication of which shall be at least thirty days before the time fixed for the application. A copy of said notice and resolution shall be served personally by the city marshal, or by any of his deputies, at least two weeks before the time for said application, upon each owner and person interested in said lands so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county, and if any such guardian, owner or person interested in the premises shall not be found within the city or county, a copy of said notice and resolution shall be served by leaving the same at his last known place of residence within said county, with some person of suitable age and discretion; and return by the marshal or any of his deputies of the service of said notice and resolution, which return shall be conclusive as to the matters therein stated, and an affidavit of the publication of said notice and resolution, shall be filed with the said justice before or at the time of making said application. After the publication and service of said notice, as aforesaid, the owners and all persons interested in any of the lands to be taken for said improvement, shall
Notice of application for jury.	
How served.	
Return by officer, etc., where filed.	
Effect of notice.	

take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or any of his deputies to make a list of the names of twenty-four disinterested freeholders residing in said city competent to serve as jurors; from said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or upon their failure to do so the justice shall strike off such names for him or them, and thereupon the said justice shall issue a *venire* directed to said marshal, or any of his deputies, to summon the twelve persons whose names remain upon said list to appear before said justice at a time and place in said *venire* to be named, not less than two nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution, and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the marshal or any of his deputies or any constable of said city, as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in such courts.

Impanelling of jury.

Venire, what to contain.

How served.

Liability of jurors.

SEC. 5. At the time of making the application to the justice for the empanelling of the jury and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian, appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interest of the person for whom he is so appointed.

Infants, etc., how may be represented.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal, or any of his deputies or any constable of said city, to summon immediately a sufficient number of other competent freeholders of said city until a panel of twelve qualified jurors shall be obtained. Each party and every person having an interest in any of the lands shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the jurors. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Completing panel of jury.

Right of challenge.

Oath.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council and a map or plat of the proposed improvement,

Copy of notice, etc., to be given to jury.

Other claims, etc., to be filed.	showing the location and boundaries of each parcel sought to be taken, and its position in relation to adjoining lands, and any person claiming an interest in any of the land sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in and a description of the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.
Jury to examine premises, etc.	SEC. 8. The jury shall then or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable, and upon the close of the testimony the justice shall instruct the jury as to the provisions of the chapter relating to their duties.
Each parcel to be considered separately.	SEC. 9. The jury shall consider upon each parcel of land described in the resolution of the common council, separately; if they shall find it necessary to take the same for the purpose of said improvement, they shall so determine and shall award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees or otherwise, the jury shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.
Report of, Determination, etc.	SEC. 10. The jury shall make a report of their determinations and awards in writing; they shall describe therein each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damages occasioned by taking the same, deducting therefrom, if any, for special benefits resulting from the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor, the name of the owner, and of any persons having separate claims thereon, by mortgage, lease, or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and description of any mortgage, lease or lien by virtue of which such claim is made. When conflicting claims are made to any damages awarded, the jury, without deciding between the claimants, shall report the fact, the names of such claimants and the amount awarded for the land; they shall report the lands, if any, as to which they fail to agree; said report, signed by each juror, shall be returned to the justice within ten days after the empaneling of the jury, unless the justice on good cause shown, shall extend said time, which said extension shall not exceed five days.
How signed and to whom returned.	

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report and all the proceedings had in the cause before him in his docket.

Duty of city attorney.
Justice to enter report, etc., in docket.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports upon which they have agreed, and upon any such disagreement the justice may, upon the motion of the city attorney, empanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror, after being empaneled as aforesaid and before the hearing, shall be unable to discharge his duties, the justice may appoint another in his place, who shall have the like qualifications and be sworn and exercise the same duties as the other jurors of the panel.

In case of disagreement on one or more parcels, etc.

New jury, how empaneled and proceedings thereof.

Completing panel.

SEC. 13. Upon filing the report and award made by the jury with said justice, a copy thereof, certified by such justice, shall be filed with the city recorder, and at any time thereafter, and within forty days after the empaneling of the jury making the report, the justice, upon the application of the city attorney, shall enter judgment of confirmation of the determinations and awards therein made. Unless such application and confirmation shall be made within forty days, all proceedings upon that report and that award shall be at an end, and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

Copy of report to be filed with recorder.

Judgment of confirmation.

When proceedings, etc., to be at an end.

Parties to take notice.

Judgment, etc., final.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court for the county of Muskegon, by filing with the justice a claim of appeal, in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the surety in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and by paying to the justice the sum of three dollars for making his return to the appeal.

Appeal, how made.

Bond.

Costs.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof

Bill of exceptions, what to contain.

Duty of justice
in case of
appeal.

and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall correct according to the facts of the case and sign the same, and within ten days thereafter the said justice shall make a certificate and return to said bill, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Circuit court to
have jurisdic-
tion, etc.; order
of proceedings.

SEC. 16. Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the cause, and upon the hearing thereof shall first consider the errors alleged in said claim of appeal, and if the proceedings are found to be invalid as to the party appealing, on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term upon the question as to the amount of damages to be awarded, but the finding of the jury before the justice as to the necessity of taking the land shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any manner affect said judgment as to the other persons interested therein who do not appeal.

Trial.

Appeal of one
person not to
affect others.

Judgment.

SEC. 17. Upon any dismissal of the appeal or rendition of judgment without trial in the circuit, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purposes mentioned in the resolution of the common council, and unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

Costs.

Copies and
record of
judgment,
evidence of
regularity, etc.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace after the same has become final, and of the report of the jury thereby confirmed, shall be filed with the recorder of said city and recorded in a book of records kept for that purpose, and when so recorded shall be presumptive evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be acquired, and confirm the same.

Payment of
damages and
collecting for
benefits.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the the judgment of confirmation by the justice shall become final, the common council may pay or tender out of any appropriate fund or funds, to the respective persons, the several amounts of damage and compensation awarded to them as finally confirmed, or the common council may cause the amount to be assessed against the owner or owners of the property benefited by said improvement, which

said property so benefited by said improvement shall be determined by the common council, and shall be constituted into a special assessment district, and the said several amounts of damage and compensation shall be paid out of the avails of a special assessment to be levied upon the property constituting said special assessment district; such special assessment shall be made in the manner prescribed in this act for making special assessments. And in case any person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the common council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city to the credit of the person or persons entitled thereto, and the same shall be paid on demand of the person entitled to receive it. No delay in making any award or damages, or in taking possession of any property shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

Possession of property.

SEC. 20. Upon the tender or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the common council may convert and use the same. A certificate of the city treasurer of such payment, tender or deposit, or a record of such certificate in the book of records of the recorder, or a certified copy thereof, shall be presumptive evidence of the matters therein stated and of the ownership of the city in the lands and property taken.

When fee in lands to vest in city.

SEC. 21. In all cases where any real estate, subject to lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice when the same shall become final; if a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

In case of lease, etc.

TITLE XIV.

SEWERS, DRAINS AND WATER-COURSES.

SECTION 1. The common council may establish, construct and maintain sewers and drains whenever and wherever necessary, and of such dimensions and materials and under such regulations as it may deem proper for the drainage of the city, and private property for the use thereof may be taken therefor in the manner prescribed in this act for the taking of private property for public use; but in all cases where the common council shall deem it practicable such sewers and drains shall be constructed in the public streets and grounds.

Establishment and construction of.

SEC. 2. Whenever it may become necessary in the opinion of

Plan of
drainage.

the common council to provide sewerage and drainage for the city or any part thereof, it shall be its duty to devise or cause to be devised a plan of drainage for the whole city or for such part thereof as the common council shall determine.

Relative to
districts, etc.

SEC. 3. Such plan shall, in the discretion of the common council, be formed with a view to the division of the city to main sewer districts, each to include one or more main or principal sewers with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats and diagrams of such plan when adopted shall be filed in the office of the recorder.

Sewer districts
may be
subdivided, etc.

SEC. 4. Main sewer districts may be sub-divided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers, connecting with the main sewer, and such lands as in the opinion of the common council will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more local or branch sewers, and all such lands as in the opinion of the common council will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Main or
trunk sewers.

SEC. 5. The common council may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the recorder in the book of sewer records.

Cost of main
sewers to be
paid from
general fund.
Cost of other
sewers, how
paid.

SEC. 6. The cost and expenses of establishing and maintaining any main or trunk sewers constructed without reference to sewer districts, shall be paid out of the general sewer fund. Such part as the common council shall determine, being not less than one-sixth of the cost and expense of any main district sewer or of the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Plat of district
sewer, etc.

SEC. 7. Before proceeding to the construction of any district sewer the common council shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district and the proposed route and location of the sewer and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof. The common council shall give notice by publication for at least two weeks in one of the newspapers of the city of the intention to construct such sewer and where such diagram and plat may be found for examination, and of the time when the common council will meet and consider any suggestions and objections with respect to such sewer that may be made by parties interested.

Notice of in-
tention to con-
struct, what
to contain.

When the common council shall determine to construct such district sewer it shall so declare by resolution, naming the district and describing by plat and diagram mentioned in the preceding section, the route and location and dimensions of the sewer, and shall determine in resolution what part of the estimated expenses of the sewer shall be paid from the general sewer fund, and what part defrayed by special assessment according to benefits; and the common council shall cause such plat and diagram as adopted to be recorded in the office of the recorder in the book of sewer

Resolution
declaring
determination.

Special assessments for the construction of sewers, shall be made in the manner provided in this act for making special assessments.

Special sewer
assessments.

When the owners of a majority of the lands liable to be included in any sewer district, or part of the city which may be included as a sewer district, shall petition for the construction of a sewer at such location, the common council shall construct a district sewer at such location, and if the lands including the line of such sewer are not within any sewer district, a district shall be created for that purpose. In other places sewers shall be constructed at the discretion of the common council.

Sewer to be
constructed on
petition.

Whenever the common council shall deem it necessary for the public health, it may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain the premises, and to keep such private drains in repair free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such regulations, the common council may cause the work to be done at the expense of such owner or occupant, and such expense shall be levied upon the premises drained and may be collected by special assessment to be levied thereon or may be assessed upon the assessment roll as in this act provided.

By discretion of
council.

Private drains
may be
required.

The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains with the public sewers and drains, under such regulations as the board of public works shall prescribe.

Private drain
may connect
with public
sewers.

The common council may charge and collect annually from persons whose premises are connected by private drains with the public sewers such reasonable sum, not exceeding two dollars per lot, which it may deem just in proportion to the amount of drainage from such private drain, and such charge shall be a lien upon the premises and may be collected by special assessment thereon.

Charges for
connecting, etc.

Such part of the expenses of providing ditches and water courses as the common council shall determine, shall be defrayed by special assessments upon the lands and premises benefited thereby, in proportion to such benefits.

How expenses
for ditches, etc.,
may be
defrayed.

The expenses of repairing public sewers, ditches and water courses may be paid from the general sewer fund. The

Expense of
repairs, etc.

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expenses of reconstructing public sewers shall be defrayed in manner herein prescribed for paying the expenses of the construction thereof.

Protection and control of, etc.

SEC. 16. The common council may enact such ordinance may be necessary for the protection and control of the drains and sewers, and for carrying into effect the powers conferred in respect to the drainage of the city.

Board of public works to have control, etc.

SEC. 17. The board of public works shall have charge of construction and repair, the management and control of sewers in said city; and when sewers in main or special districts ordered by the common council, the board of public works assume and exercise thereafter control over the construction said sewers, and shall have the management thereof.

TITLE XV.

STREETS AND PUBLIC GROUNDS.

Council to have control.

SECTION 1. The common council shall have supervisory control, except as in this act otherwise provided, of all highways, bridges, streets, avenues, alleys, sidewalks and grounds within the city, and shall cause the same to be repaired and free from nuisance.

Certain exceptions.

SEC. 2. But the city shall not be responsible for the improvements or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not actually accepted, worked or used by the public as a street or alley before the passage of this act, nor for the improvement and care and repair of any street or alley laid out or dedicated by such proprietor after the passage of this act, until such street or alley be actually accepted by the city or open to and used by the public for the term of three years.

Authority to lay out, etc.

SEC. 3. The common council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city whenever it shall deem that a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use. The expense of such improvement, except the amount paid for property taken for public streets, may be paid by special assessments upon the property adjacent to or benefited by said improvement, in the manner in this act provided for levying and collecting special assessments; or in the discretion of the common council a portion of such costs and expenses may be paid by special assessments, as aforesaid, and the balance from any proper fund of the city: *Provided*, That nothing in this section shall be construed to render inoperative the provisions of section two of title thirteen, relating to "Lands appropriated for streets and rights of way."

Expense, how paid.

Proviso.

SEC. 4. When the common council shall deem it advisable

vacate, discontinue or abolish any street, alley or public ground, or any part thereof, it shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when it will meet and hear objections thereto. Notice of such meeting with a copy of said resolution shall be published for not less than four weeks before the time appointed for such meeting, in one of the newspapers of said city; objections to such proposed action of the common council may be filed with the recorder in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

Action in regard to vacating streets, etc.

Concurring vote necessary.

SEC. 5. The common council may cause all public streets, alleys and public grounds to be surveyed, and it may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the recorder in a book of street records, and it shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the common council to be recorded in like manner, and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds as in the records described; every resolution or ordinance discontinuing or vacating any street, alley, or public ground shall also be recorded in said book of street records, and the record shall be *prima facie* evidence of all the matter therein set forth.

Surveys of streets, etc. Record of boundaries, etc.

Record of vacations, etc.

SEC. 6. The common council shall have authority to determine and establish the grades of all streets, avenues, alleys, and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys, or grounds to be made and constructed in conformity with such grade, and the common council may change or alter the grade of any street, alley, or public ground, or of any part thereof, whenever in its opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the recorder.

Grades.

SEC. 7. Whenever any street, alley, or public highway shall have been graded, or pavement shall have been constructed, in conformity to grades established by authority of the city, and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley, or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley, or public highway, unless such change be asked for by the owners of a majority of such lots or lands, but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by said city.

Change of grade after pavement is constructed.

SEC. 8. If any damage shall result to any owner by change of the established grade of any street, alley, sidewalk, wharf, or landing, the common council may, in its discretion, levy and col-

Damage by change of grade, how paid.

lect the amount thereof by special assessment upon the lot premises benefited thereby, and therewith pay the same, but the city shall incur no liability by reason of anything in this section contained.

Council to prescribe width of streets, etc.

Plats to be filed.

Approval to be endorsed on plat.

Changes to be prescribed by council.

Failure to approve for 60 days, to be taken as an approval.

Plat to be endorsed by recorder.

Copy to be filed with recorder.

When city to be responsible for improvements, etc.

SEC. 9. The common council shall have power and it shall be its duty to prescribe by resolution the width, direction and location of all streets, alleys and public grounds, of any proposed plat or subdivision of land within the city of Muskegon, and to that end any proprietor of land intending to lay out, divide and plat the same into lots, blocks, public grounds, streets and alleys, or otherwise, shall file with the recorder a correct survey, plan and map of such land, showing all the subdivisions thereof, and the streets, alleys and public grounds intended to be dedicated to the public, and also the relative position and location of such blocks, streets, alleys and public grounds, with respect to the adjacent premises and streets of said city. If such proposed plat and map meet the approval of the common council, in regard to the streets, alleys and public grounds thereof, as aforesaid, the approval shall be declared by resolution, which shall be indorsed thereon by the recorder under the corporate seal of the city. If such plan and map be not satisfactory to and approved by the common council in regard to the matters aforesaid, it shall wait sixty days after such filing with the recorder prescribe by resolution the width, direction and location of such streets, alleys and public grounds, or any of them, and the proprietor of such proposed plat shall cause such plan and map to conform to such resolution and determination, whereupon such plan and map shall be approved by the common council and indorsed as aforesaid. If the common council fail to approve any plan and map so filed, or to prescribe any changes therein in manner aforesaid, for the space of sixty days after the same has been filed with the recorder as aforesaid, such failure shall be deemed and taken as an approval thereof in all respects, and the recorder shall indorse such fact thereon, which shall have all the force and effect of a regular approval by the common council. No such plat and dedication shall be valid or recorded in the office of the register of deeds for the county of Muskegon, until it shall have been indorsed by the recorder in manner aforesaid. Such proprietor shall, within twenty days after such plan and map shall be deemed approved, as aforesaid, file a certified copy thereof with the recorder for the use and benefit of the city. But the city shall not, by reason of such approval, be responsible for the improvement, care and repair of such streets, public grounds and alleys; nor shall the city be responsible for the improvement, care and repair of any streets or alleys of any existing plat of said city, or of any additional subdivision therein, except in so far as said city may have already assumed such responsibility, until it shall have accepted the same, or until said streets have been opened to and used by the public for the term of three years.

SEC. 10. The city shall not be liable to any person for injury

by him or his property, in consequence of any sidewalk liability not being kept clear of snow and ice; nor shall the liable to any person for injuries received by him or his property, in consequence of any defect in or upon any sidewalk, street or street, unless it shall be shown that the defect causing the injury had existed ten days prior to the receipt of the injury, or unless some member of the board of public works, street commissioner, sidewalk commissioner, or some member of the police force, had had actual notice of the existence of the defect forty-eight hours prior to the receipt of the injury and therefor.

Liabilities of city for injuries, etc.

GRADING, PAVING, ETC.

11. The common council shall have power to grade, pave, gravel, curb and otherwise improve and repair the highways, streets, avenues, lanes and alleys of said city, and for that purpose and for defraying the expenses thereof may divide the city into street districts. The term "paving" shall be deemed to include the construction of crosswalks, gutters and curbing.

Council to have power to grade, etc.

"Paving" defined.

12. Such part of the expenses of improving any street, alley or highway by grading, paving, planking, graveling, curbing or otherwise and of repairing the same as the common council may determine, may be paid from the general highway fund or from the street district fund of the proper street district, or in whole or in part from the expense of such improvement as the common council shall determine, may be paid by special assessments upon lots and premises included in the assessment district, to be constituted of the lots fronting the street or alley so improved or to be so constituted of lands fronting upon such street and such other lands as in the opinion of the common council may be benefited by the improvement.

Expenses of, how paid.

13. The expense of making any public improvement in any square or space formed by the intersection of streets, and also the expense of making any such public improvement in front of any property belonging to the city, shall be paid from the general highway fund of the city.

Certain improvements to be paid from general highway fund.

14. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the board of assessors making the assessment may nevertheless assess such lot at its actual frontage, and the common council may remit such part of the tax thereon as will be just and equitable, and may cause the part so remitted to be paid from the general highway fund.

Assessments in proportion to frontage.

STREET REGULATIONS.

15. The common council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments

Obstructions, etc., of streets.

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upon the public highways, streets and alleys of said city, and remove the same and to punish those who shall obstruct, encumber, encroach or maintain any encroachments upon or in any highway, street or alley, and to require all such persons to remove every such obstruction, encumbrance or encroachment.

Planting shade trees and lighting streets.

SEC. 16. The common council may provide for and regulate the planting of shade and ornamental trees in the public highways, streets and avenues of said city and for the protection thereof, and may light the streets and public places and regulate the location of lights thereon and therein and provide the same.

Openings in streets.

SEC. 17. The common council may regulate the making of openings in and removals of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes or other pipes for any other purpose, and may prohibit or prevent all such openings or removals of the soil, except by the express permission of the common council, and at such times and upon such terms and regulations as may be prescribed.

Use of streets.

SEC. 18. The common council may regulate the use of public highways, streets, avenues and alleys of said city, subject to the right of travel and passage thereon. It shall have authority to prescribe the stands for all vehicles kept for hire or use.

Stands for vehicles.

the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay or other articles

Wood and hay markets, etc.

stand for sale; to regulate traffic and sales in the streets and the sidewalks; to regulate or prohibit the use, display or placing

Signs, etc.

signs, advertisements and banners, awning posts and telegraph

Immoderate driving, sports, etc.

poles in or over the streets; to prohibit immoderate riding or driving on the streets or over bridges; to regulate or prohibit

such sports, amusements, proceedings and gathering of crowds on the streets as may interfere with the lawful use thereof or restrict travel or passage therein inconvenient or unsafe; to prohibit

Running at large of animals, etc.

prevent the running at large of horses, cattle, swine, dogs, and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers

Dogs.

thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinance

Nuisances, etc.

the city; to cleanse and purify the streets and to prohibit, prevent, remove and abate all nuisances therein, and to require the owners and maintainers thereof to remove the same and to punish them

General police authority over streets, etc

and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary

to secure the good order and safety of persons and property in the lawful use thereof and to promote the general welfare. In addition to all the powers herein granted, the common council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon the way commissioners in townships.

TITLE XVI.

SIDEWALKS.

SECTION 1. The common council shall have control, except as in this act otherwise provided, of all of the sidewalks in the public streets and alleys of said city, and may prescribe the width and grade thereof and change the same when deemed necessary. It shall have power to construct and maintain sidewalks and crosswalks in the public streets and alleys, and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks.

Common council to have control of.

Power of, to construct, etc.

SEC. 2. The common council shall also have authority to require the owners and occupants of lots and premises to construct sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, of such width and materials and manner of construction, and within such time as the common council shall by ordinance or resolution prescribe.

Idem.

SEC. 3. The common council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth, and other nuisances.

Power to cause removal of snow, etc.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the common council in respect to such sidewalks within such time and in such manner as the common council shall require, the common council may cause the same to be done, and such sidewalk to be constructed or repaired at the expense of such owner or occupant, and the amount of all expenses incurred by the common council thereby shall be levied as a special assessment upon the lot or premises adjacent to and abutting upon such sidewalk, and such expenses shall constitute a lien upon the lot or premises of such owner or occupant from the time the expense is so incurred, and may be assessed against said lot or premises at the next general assessment of property in said city, and the certificate of the recorder to the assessor that such amount remains a lien upon said lot or premises, for the purposes aforesaid, shall be the authority of the assessor to spread upon the general assessment roll against said lot or premises the amount due from the owner or occupant thereof, which said amount shall be assessed in the same manner as other special assessments on the general assessment roll of said city.

Proceedings in case of neglect.

Expense, a tax on property.

How collected.

Regulations as to signs, etc.

SEC. 5. The common council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and vaults, structures, and excavations under the same, and to prohibit and prevent obstructions, incumbrances, or other nuisances upon the sidewalks.

TITLE XVII.

ISSUE OF BONDS.

Council to declare amount, etc.

SECTION 1. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, except as provided in title nine of this act, it shall so declare by resolution, specifying the amount of and purpose for which it is proposed to issue said bonds, when said bonds are to mature and the rate of interest thereon, and the time when and the place where an election shall be had to authorize the issue of said bonds, which time shall be less than twenty days from the adoption of said resolution.

Resolution to be published, etc.

SEC. 2. The common council shall cause said resolution to be published in one or more newspapers of said city each day for at least fourteen days, and copies thereof to be posted in at least three of the most public places in each supervisor district.

Council to appoint inspectors of election. Oaths.

SEC. 3. The common council shall appoint inspectors and clerks of said election who shall, before proceeding to the discharge of their duties, take an oath or affirmation faithfully to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths. The votes cast at such election shall be by ballot and the election shall be conducted and the votes canvassed in the same manner, as near as may be, as elections under this act. The ballots used at such election shall bear upon their face the following: "For the issue of bonds—Yes;" "For the issue of bonds—No." At the close of such election the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be forthwith deposited with the recorder of said city and the other filed in the office of the county clerk of the county of Muskegon.

Ballots.

Form of.

Certificate of number of votes.

Where deposited.

When bonds may be issued.

Provisions for payment, etc.

SEC. 4. Whenever the common council shall be authorized to issue a vote of the electors of said city, as aforesaid, it may issue bonds of said city for the amount so authorized and provide for the payment of principal and interest thereon, and for that purpose shall levy, assess and collect on the assessed value of all real and personal estate in said city made taxable by the laws of this State, taxes not to exceed in amount a sufficient sum to pay the interest accrued or to accrue and the principal becoming due on said bonds for the year for which said taxes are levied.

Bonds to be numbered.

SEC. 5. All bonds issued under the provisions of this act shall be numbered consecutively in such a way as to distinguish

them from bonds which may be issued under the provisions of title nine of this act.

SEC. 6. Whenever the common council shall deem it expedient, it may provide additional places for holding any election under the provisions of this title and designate the districts therefor.

Additional places for holding elections.

TITLE XVIII.

BOARD OF PUBLIC WORKS.

SECTION 1. All the powers and duties connected with and incident to the government and discipline, management and control of the fire and water departments of the city of Muskegon, and all the powers and duties connected with and incident to the construction, care and regulation of the sewers of said city, and all powers and duties connected with and incident to the construction of public buildings and the care, supervision and control thereof when constructed, and the care, custody and control of the public property of said city, the letting of contracts for public improvements ordered by the common council and the supervision of works covered thereby shall, except as in this act otherwise provided, be vested in and exercised by a board of five commissioners to be known as the board of public works, a majority of whom shall constitute a quorum for the transaction of business; but a majority of all members constituting said board shall be necessary to decide any question before the same.

Board of public works, powers and duties of.

Number of.

Majority necessary to decide any question.

SEC. 2. No person shall be eligible to appointment as commissioner unless he shall then be an elector of said city, and shall have resided therein for at least five years immediately preceding his appointment; nor shall any person be eligible who holds any municipal elective office, nor any office by appointment of the mayor or common council of said city, and any of said commissioners shall be considered as vacating his office as commissioner in the event of his accepting or holding such office; no member of said board shall be personally interested, either directly or indirectly in any contract for any public work in said city, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement. Said commissioners shall serve without compensation. Their term of office shall be three years.

Who eligible.

When considered as vacating office.

Not to be interested in any contract, etc.

Compensation
Term of office.

SEC. 3. Between the fifteenth day of April and the first day of May, eighteen hundred and eighty-seven, the mayor shall nominate five suitable and competent commissioners qualified as in the last preceding section mentioned, to constitute said board of public works, one for the year ending the first Monday in May, eighteen hundred and eighty-eight, two for the two years ending the first Monday of May, eighteen hundred and eighty-nine, and two for the three years ending the first Monday of May, eighteen hundred and ninety, and when such nominations shall have been confirmed by the common council as provided in section twenty-

Appointments to and term of office.

Oath.	two of title six of this act, said commissioners shall thereupon be declared duly appointed, one of whom shall hold office until the first Monday in May, eighteen hundred and eighty-eight, two shall hold office until the first Monday in May, eighteen hundred and eighty-nine, and two shall hold office until the first Monday in May, eighteen hundred and ninety. When said commissioners shall have filed their oaths of office in accordance with the provisions of this act, they shall constitute the "board of public works" of the city of Muskegon, to hold office for the respective terms hereinbefore named and until their successors are appointed and qualified. Subsequent appointments of commissioners shall be made in accordance with the provisions of section twenty-two of title six of this act.
How may be removed.	SEC. 4. Any member of said board may at any time be removed by a vote of two-thirds of all the members elect of the common council of said city, for sufficient cause, and the proceedings in that behalf shall be entered on the journal of the common council: <i>Provided</i> , That the said common council shall previously cause a copy of the charges preferred against said member sought to be removed, and notice of the time and place of hearing the same, to be served on him at least ten days previous to the time so assigned and opportunity be given him to make his defense personally and by counsel.
Proviso.	SEC. 5. Immediately after appointment, said commissioners and their successors shall file with the recorder of said city of Muskegon the oath of office prescribed by this act for city officers, which filing shall constitute an acceptance of the office, and said recorder shall thereupon give to each a certificate of his appointment and the time thereof, and shall report all such acceptances of office to said common council at its next meeting.
Acceptance of office, etc.	SEC. 6. Within five days after said commissioners shall have qualified by filing their oaths of office as aforesaid, and annually thereafter, they shall meet and organize by electing one of their number to be president of said board and by appointing a person to be secretary, whereupon they shall assume control of the fire and water departments of said city, and shall assume and have control of all matters relating to public buildings, public improvements and public contracts as provided in this act, and they and their successors in office shall have and possess all the powers and authority conferred upon them by this act. Said board may fix the salary of the secretary appointed as aforesaid: <i>Provided</i> , That the office of secretary of the board of public works and of the board of police and health commissioners may be held by one and the same person, if in the judgment of the said boards one person shall be able to discharge the duties of both offices, in which case the board of police and health commissioners and the board of public works shall by a majority vote of all the commissioners jointly appoint said secretary and fix and apportion his salary. It shall be the duty of the common council to provide an office for the use of the said board and its secretary, wherein it may hold its regular and special meetings and transact its ordinary
Organization of board.	
Duties.	
Salary of Secretary. Proviso.	
Office for use of board, etc.	

business. The said board shall have authority to provide for its use all the necessary furniture, records and stationery, and it shall be its duty to keep a full and correct record of its meetings and of all business transacted by it. The secretary shall keep a separate account of all the expenditures ordered by the board on account of the fire department and water department of the said city; likewise a separate account of all expenses incurred by the said board for the construction, care and control of the sewers of said city, and likewise an account of all the expenses incurred for the construction, care, management and control of the public buildings of said city and of the public improvements ordered by the common council, and likewise a separate account of all contracts entered into by the said board in behalf of said city. The board shall report to the common council monthly the condition of the fire and water departments of said city and the expenses of conducting the same for the month, together with a statement of the number of men employed in each of said departments. Said board shall also from time to time certify to the common council all such accounts, claims and demands against said city for or on account of the said fire and water departments and for the construction, care and management of sewers, and all expenses incurred in relation to contracts for public buildings or public improvements, as shall have been approved by the board, and the same shall be reported to the common council for payment as in other cases, and said board may also report without recommendation any claim or demand, the validity of which may be in doubt.

Authority and
duty of board.

Duty of
Secretary.

Board to report
monthly.

To certify to
accounts,
claims, etc.

Report without
recommendation.

Annual and
other reports,
what to contain.

SEC. 7. Said board shall annually in the month of August, and oftener when the common council shall so require, report the amount of all moneys expended for or on account of the several and respective departments under its charge, giving date, items, amounts and purpose of each, and at the same time it shall submit estimates in detail of the amount necessary for the proper care and maintenance of the several and respective departments under its charge during the next fiscal year, which estimates may be increased, modified or adopted by the common council as in its judgment may seem advisable.

OF THE FIRE DEPARTMENT.

SEC. 8. On and after the organization of the board of public works, as herein provided, all the engine houses, fire engines and apparatus, horses, hose, implements, tools, bells, towers, fire alarm, telegraph and all property of whatever nature then in use by the fire department of the city of Muskegon, shall be transferred by all persons having charge of the same to the keeping and custody of said board of public works, and the care and control of said fire department shall pass to said board, who shall have power to reorganize and maintain said department and prescribe all the rules and regulations for the government of the same, and prescribe reasonable fines and penalties for the breach of any such rules and regulations.

Property of,
etc., to be
transferred to
board of public
works.

Board to have
control, etc.

Officers, rules,
etc., of fire
department.

SEC. 9. Said board shall appoint one chief engineer, as many assistant engineers as may be deemed necessary, and fire wardens not to exceed one for each ward of said city, as said board may from time to time determine, the proper number of firemen, number of hook and ladder men as said board may deem proper. All to have the privileges and exemptions of firemen and to their appointment during the pleasure of said board, and said board shall, as soon as may be after assuming control of said department, prescribe and publish in convenient form for use a system of rules and regulations for the government of the fire department; until such regulations are published as aforesaid, the rules and regulations heretofore adopted by the common council of said city in relation to the fire department shall remain in force, and the present members of said department shall continue to hold their positions until the same shall be filled by appointment by said board.

Compensation
of fire depart-
ment.

SEC. 10. Said board shall fix the compensation of the chief engineer and of all other persons connected with the fire department of said city, and may require the chief engineer to execute a bond to said city in such sum as it may deem best to secure the faithful performance of his duties, but the common council shall determine by ordinance the maximum compensation to be paid to the chief engineer or any other employé of said department.

Purchase of
apparatus, etc.

Said board shall have power to purchase all such fire engines with hose and apparatus, horses, hose-carts, ladders, trucks, fire-hoses, fire-buckets and other tools, implements and conveniences for the extinguishment of fires, and to prevent injuries by fires, as from time to time be necessary, and repair or replace the same, and it shall have power to make all needed repairs to any of the engine-houses now built in said city, but it shall not have power to purchase real estate or erect engine-houses.

Repairs to
engine houses,
etc.

Board to secure
efficiency in
department.

SEC. 11. Said board shall have power to organize said department into as many fire districts as it may deem necessary, to prescribe rules for the inspection of buildings by the fire wardens, to control the cisterns and hydrants in use by said fire department, to direct the manner in which the bells of the city shall be tolling in case of fire or alarms of fire, and to establish and maintain an efficient system of fire alarm telegraph and such telegraphic or telephonic apparatus as may be necessary to secure the highest efficiency of the department.

Duties of chief
engineer.

SEC. 12. The chief engineer of the fire department shall be subject to the direction of the said board and shall have the supervision and direction of the fire department, the custody, care and management of the engines, apparatus and property of said department, subject to such rules and regulations as the said board may from time to time prescribe. It shall be his duty to see that all engines, apparatus and property so entrusted to his custody, care and management, are kept in good order and efficiency, and that the rules, regulations and ordinances relating to the fire department and to the prevention and extinguishment of fires are duly observed and executed, and to make to said board detailed and particular reports of the state of the department.

the conduct of the members thereof, and such other matters as may be required by the rules and regulations relating thereto.

SEC. 13. Said board shall prescribe the duties of the chief engineer and other members of the fire department at fires, and may vest in them such powers as shall be deemed necessary to preserve property from being stolen, and to extinguish and prevent fires; but in no case shall any member of said board or any officer of the city control or direct the chief engineer or assistant during any fire. Said board may provide for the removal and keeping away from fires of all idle, disorderly or suspicious persons, and may confer powers for that purpose on the engineers, fire wardens or other officers of the city. It shall require reports from the chief engineer, or other officer in charge of the department, of all fires, fire alarms, losses and insurance on all property destroyed, and keep proper record thereof, and shall report the same monthly to the common council of said city.

Board to prescribe duties of chief engineer and members of fire department.

Exception.

Power of board at fires.

Board to require report from chief engineer, etc.

SEC. 14. The chief engineer, mayor, chief of police and any alderman, commissioner of the board of public works, or officer of the fire department, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinances of the city.

Who may command aid at fires.

Punishment for disobedience.

SEC. 15. The engineer in charge of the department at any fire, with the concurrence of any two commissioners of the board of public works, may cause any building to be pulled down or destroyed when deemed necessary in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall apply to the common council within three months after the fire for damages or compensation for such buildings, the common council may in its discretion pay him such compensation as may be just; the common council may adjust such damage by agreement with the owner or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by special assessment upon the property, which in its opinion, was protected or benefited by the destruction of such building; but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or destroyed.

Who may cause buildings to be pulled down at fires.

Compensation therefor.

How damage may be paid.

When no damages to be paid.

SEC. 16. The said board shall see that all ordinances of the common council, and all provisions of law relating to the fire department and to the prevention and extinguishment of fires, are faithfully enforced, and it may at all times call upon and direct the police force to enforce any and all such ordinances and laws.

Duties of board relative to ordinances, etc.

Power of
council relative
to fires, etc.

SEC. 17. The common council shall have power to enact ordinances as it shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damages and accidents resulting therefrom, and for that purpose may provide for the establishment and maintenance of a fire department, the organization and maintenance of hose companies, the procuring, renting or erecting of new or suitable buildings for keeping the engines, hose carriages, keys and apparatus of said department.

Relative to fire
limits.

SEC. 18. The common council may prescribe by ordinance from time to time, limits or districts within the city, within which wooden buildings and structures shall not be erected, placed, enlarged, and to direct the manner of constructing buildings within such districts, with respect to protection against fire, the material of which the outer walls and roofs shall be constructed.

Relative to
prevention,
etc., of fires.

SEC. 19. The common council may also prohibit, within certain places or districts as it may deem expedient, the location of the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material in open places, when in the opinion of the common council, the danger from fire is thereby increased; they may also regulate the storing of gunpowder, oils and other combustible or explosive materials, and the use of lights in buildings, and may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Compensation
for injuries to
firemen.

SEC. 20. The common council may provide suitable compensation for any injuries which any fireman or employé of the fire department may receive to his person or property, in consequence of the performance of his duties at any fire.

OF THE WATER DEPARTMENT.

Power of
council relative
to water works.

SEC. 21. The common council shall have power to establish, construct, maintain, regulate and keep in repair a system of water-works, for the purpose of supplying the city of Muskegon with water for municipal, domestic and other purposes, and to enact any and all ordinances necessary to carry into effect the power and authority conferred upon the board of public works relative to the water-works of said city.

Management
and control to
be transferred
to board of
public works.

SEC. 22. On and after the organization of the board of public works, as herein provided, all pumping houses, machinery, apparatus and property of whatever nature then in use by the fire department of the city of Muskegon, shall be transferred to the persons having charge thereof to the keeping and custody of the board of public works, and the care, control and management of said department shall pass to said board.

Board to
appoint officers,
etc., of water
department.

SEC. 23. Said board shall appoint one superintendent of the water department, and as many and such assistants as in its judgment may be necessary to the efficient management of the department; one chief engineer and as many and such assistants

necessary, and such other officers, agents and servants as necessary for the proper management of said department, whom shall hold their positions during the pleasure of said board and shall fix and determine the compensation to be paid to, and the duties of all persons appointed to any position in said department, or employed therein; but the common council shall determine by ordinance the maximum compensation to be paid to the superintendent or his assistants, or to the chief clerk or his assistants. Said board may require the superintendent to execute a bond to said city in such sum as it may deem best to insure the faithful performance of his duties.

Compensation and duties.

May require bond.

24. The board of public works is hereby authorized and empowered to procure an adequate supply of water for the city of Muskegon and its inhabitants, for the purpose hereinbefore provided, from any source or sources within or without the limits of said city; to determine the kind and quantity of power and machinery required therefor; the pipe, conduits and reservoirs to be used, and the manner and extent of distribution thereof in said city, and to that end said board may contract for all necessary work and labor, and for the purchase or manufacture of all necessary material. It may purchase and lease lands, water rights and other privileges or franchises necessary to provide such supply, subject to the approval of the common council. It may cause water to be laid in the streets, lanes and alleys, and through the public places or grounds in said city. It may establish, enact, and maintain fire hydrants and public hydrants, jets and fountains. It shall determine the rates to be paid by consumers for water, and the terms and conditions upon which water shall be supplied by said department: *Provided*, That before any contract for constructing said water-works and furnishing materials therefor shall be entered into, the common council shall provide by ordinance with the provisions of this act, the necessary means to pay the estimated cost thereof.

Board authorized to procure adequate supply of water—with power to act.

Idem.

Rates and condition of supply.

Provide.

25. The board of public works, its officers, agents, clerks and workmen are hereby authorized to enter upon any survey of water within or without the limits of the city of Muskegon for the purpose of making surveys or acquiring information relative to said department. Said board is hereby authorized to purchase and hold such real estate, property rights, franchises or franchises, either within or without said city, as may be necessary to secure proper water supplies, or for the construction or location of water-works, pumping houses, or their appurtenances, subject, however, to the approval of the common council. In any case said board shall be unable to agree with the owners of such lands, property rights or privileges for the purchase of the same, said board shall report the same to the common council, whereupon said common council shall proceed to condemn the same for public use as provided in this act, except the entire damages and compensation awarded therefor shall be paid by the city.

Board may survey, etc.

May purchase real estate, etc.

When council may condemn for public use.

26. Said board shall determine and fix the rates to be

Water rates, by whom fixed and to whom paid.	paid by consumers of water supplied by said department, which shall be paid to the secretary of said board at his office, at such time or times as the board may determine. The secretary of said board shall pay the same into the city treasury monthly, taking the treasurer's receipt therefor. The said board shall make all
Rules and regulations.	needful rules or regulations for the government of said department and the guidance of its officers, agents and employés, and for the collection of water rates, the payment of which said board may enforce by cutting off supply to the consumers and by depriving such delinquent consumer of a supply of water from said department until all arrearages of water rates shall be paid, or payment may be enforced by suit in the name of the city in
To be published.	any court of competent jurisdiction. Said rules and regulations shall be published in convenient form for use of said department, its officers, agents and employés.

OF PUBLIC IMPROVEMENTS AND WORKS.

Board to have charge of improvements.	SEC. 27. Said board of public works shall, after public improvements have been first duly ordered by the common council, have supervision and charge of the construction and repair of all crosswalks, sidewalks, culverts, bridges, docks, fountains and reservoirs; the construction, repair and extension of all main and lateral sewers and drains, the erection, alteration and repair of all engine houses, police stations, city halls and other public buildings of every description, in said city, except school houses; the deepening and cleaning of ditches and gutters, the cleaning, repairing, grading, paving, planking, graveling or the covering with other material of all streets and alleys; the laying out and improvement of all parks and park grounds; and shall in addition thereto exercise such other powers and perform such other duties in the superintendence, construction and care of public works and improvements as the common council may from time to time direct.
Additional powers and duties.	
Board to make estimates, plans, etc.	SEC. 28. Whenever the common council of said city shall have decided upon the making of any such public improvement, it shall so declare by resolution, and the board of public works, with all convenient dispatch, shall determine the particular kind of materials and estimate the quantity thereof to be used therefor, and estimate, in detail, the probable cost and expense of such work and of the material to be used therein, and make a record thereof in its office, and cause to be prepared, so far as necessary, plans and specifications of such work or improvement, and report its determination and estimate to the common council. When such plans and specifications have been submitted to the common council and adopted by it, the board of public works shall, except in case of cleaning and deepening ditches and gutters and the repair of streets and sidewalks, advertise for proposals for the furnishing of materials and for the performance of such work, and may require all bidders to furnish security for the performance of proposals tendered to said board if the bid be accepted,
Report. Board to advertise for proposals, when.	

and also security for any contract awarded, and all other bids submitted to said board shall be publicly opened by it as soon as may be thereafter, reported by said board, together with its recommendation with respect thereto, to the common council, and no contract shall be made by said board until it is thereunto duly authorized by the common council.

Bids to be publicly opened.

When contract may be made.

SEC. 29. All contracts made by the said board shall be in the name of the city of Muskegon, and after approval thereof as to form, by the city attorney, shall be executed by the president and clerk of said board, and when made, such board shall, in behalf of the city, have direction of the performance thereof. The board shall reserve the right in all contracts to determine all questions as to the proper performance of such contracts and as to the completion of the work specified therein, and in case of the improper or imperfect performance thereof to suspend work at any time, to order the partial reconstruction of the same if improperly done, to re-let the work covered by said contract or any unfinished portion thereof, or by its employes to take possession and complete the same at the expense of the contractor. It shall also have the right and it shall be its duty by proper provisions in all contracts, to retain an amount from the contract price sufficient to pay and discharge all debts incurred by the contractor for labor performed upon any public work, or materials furnished therefor, and upon the failure of the contractor to pay the same, to make payments thereof to the parties entitled thereto and charge the amounts so expended against the contract price. Said board of public works is hereby authorized to commence and prosecute in the name of said city any suits or proceedings for the recovery of damages for the breach of any such contract entered into by said board, or to enforce the performance of such contract.

Form of contract.

Rights reserved.

Authorized to bring suit, etc.

SEC. 30. Said board shall have the power to appoint, subject to the approval of the common council, a city surveyor, who shall hold office during the pleasure of the board. He shall make all surveys required for the laying out, construction, alteration, repair and improvement of the streets, sewers, water-mains, parks, public grounds and buildings and prepare all the necessary plans, profiles and specifications therefor, and perform the civil engineer work of said city of every description as required by the common council, the said board of public works or by any other lawful authority of said city. Said city surveyor may, subject to the approval of the board of public works, appoint such assistants under him as may be required for the proper and prompt performance of his duties and discharge such assistants at pleasure. Said board shall also have the power to appoint suitable persons who shall have the personal supervision of the construction and repair of the public buildings, the grading, paving, improving, cleaning and care of streets, alleys and public grounds, the construction and repair of sidewalks, and the cleaning and deepening of ditches, drains and gutters, and also such other subordinates as may be necessary to enable the board properly to perform the

City surveyor.

Power and duty of.

Board to have power to appoint persons to superintend construction, etc., of buildings.

Compensation of surveyor.

duties devolving upon it. Said board shall recommend, but the common council shall have the power to fix and shall fix the compensation of the said surveyor of said board, and all claims for the same shall, when certified by the board, be submitted to the common council for the allowance and payment in the same manner as other claims against the city.

Work to be classified and accounts kept.

SEC. 31. The said board shall classify the various work under its control, and keep an accurate account of the cost of each item of the amount expended for the construction, repairs, maintenance and salary of employes, and also detailed accounts of all other matters under its charge and control, and between the twenty-fifth day of March and the first day of April in each year.

Statement to be submitted.

and oftener if required by the common council, submit a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board, the character and amounts of all contracts made by the board, the moneys earned and paid thereon, and all other information necessary to the full understanding of the business conducted by said board.

Board to make payments.

The board shall from time to time also make payments of the amounts earned and payable upon any contracts for work done and materials furnished, and report the same to the common council, and thereupon it shall be the duty of the common council without unreasonable delay, to order payment from the proper funds of the amounts so reported.

Council to order payments.

the proper funds of the amounts so reported.

Board to keep a "complaint book."

SEC. 32. Said board shall keep in its office in some convenient and suitable place easy of access, a book called "A Complaint Book," in which any person may enter complaint concerning the condition, lack of repair or unsafety to vehicles or persons on any street, sidewalk, crosswalk, bridge or culvert within the limits of the city of Muskegon, or any defect therein, or on any public place in said city liable to occasion injury to persons or property, which said book shall be in such form and with such headings as will show, as nearly as may be, the location by street or by lots and blocks of any such defect, the description of such defect and the nature thereof. It shall be the duty of the secretary of said board to enter in said "Complaint Book" a complaint of any person within the meaning of this section.

Form of book.

Duty of secretary relative to said book.

Board to issue building permits.

SEC. 33. Said board shall have the power, and it is hereby made its duty, to provide suitable regulations concerning the erection of buildings and the issuing of permits therefor, and to prevent the erection of any building within the limits of the city of Muskegon or any addition to any existing buildings, without a permit having been issued by said board. Before issuing any permit said board shall require the applicant therefor to give bond or other security, conditioned to indemnify the city against any liability for damages which may ensue from the construction of said building, or from the deposit of materials therefor on any part of any public street, alley or other public place. All permits thus issued shall be numbered consecutively, and a list thereof shall be kept in the office of said board.

Applicant for permit to file bond.

Permits to be numbered.

SEC. 34. The city attorney shall act as legal adviser of the board.

and the clerk thereof shall keep a full record of its proceedings, showing the vote by yeas and nays of each member upon every motion brought before or determined by said board, which record shall at all times be open to public inspection, and a copy thereof published within five days after each session in the local newspaper of the city. The board shall have power to make all such by-laws, rules and regulations as may be necessary and expedient for the conduct of its business. It shall have the power to fix the duties and at any time to suspend or discharge any of its appointees or employes, and appoint or employ others in their place, as to the said board the public interest may seem to require. In case of the removal of the city surveyor by the council, the appointment of his successor shall be subject to the approval of the common council.

City attorney to be legal adviser of board, etc.

Board to have power to make by-laws, etc.

Removal of surveyor and appointment of successor.

TITLE XIX.

BOARD OF POLICE AND HEALTH COMMISSIONERS.

SECTION. 1. All the powers and duties connected with and appertaining to the government and discipline of the police department, and to the preservation and protection of the health of the inhabitants of said city, to the burial of the dead, and to the proper care and regulation of the cemeteries of said city, shall be vested in and exercised by a board of three commissioners to be known as a "board of police and health commissioners" of the city of Muskegon, a majority of whom shall constitute a quorum for the transaction of business.

SEC. 2. Between the fifteenth day of April and the first day of May, eighteen hundred and eighty-seven, the mayor of said city shall nominate three commissioners, one of whom shall hold office until the first Monday in May, eighteen hundred and eighty-eight, one shall hold office until the first Monday in May, eighteen hundred and eighty-nine, and one until the first Monday in May, eighteen hundred and ninety, subject, however, to the approval and confirmation of the common council, whose duty it shall be to approve or reject these appointments as soon as may be after their nomination; and when they shall have been confirmed by the vote of a majority of all the aldermen elect and shall have filed their oaths of office, they shall constitute the board of police and health commissioners of the city of Muskegon, to hold office for the respective terms hereinbefore named, until their successors are appointed and qualified. In the event of a vacancy in said board, the vacancy shall be filled by the mayor, as provided in section twenty-two of title six, of the act of the legislature, passed March 18, 1887, or by any other suitable, competent person, to take the place of the commissioner whose term then expires, who shall hold his office for the term of one year and until his successor is appointed and qualified;

Board of police and health commissioners. Powers and duties of.

Appointment and term of office of board.

When to take office.

Vacancies, how filled.

and in case of any of the commissioners, provided for in the ceding section, shall not be confirmed by the common council in case of a vacancy in said board by reason of death, resignation, removal, declination, or otherwise, such places and vacancies shall be filled without delay by new appointments for the unexpired terms of office.

How removed.

SEC. 3. Any member of said board may at any time be removed by a vote of two-thirds of all the members elect of the common council of said city, for sufficient cause, and the proceedings to that behalf shall be entered on the journal of the common council: *Provided*, That the said common council shall previously require a copy of the charges preferred against said member sought to be removed, and notice of the time and place of hearing the same, to be served on him at least ten days previous to the time so assigned, and opportunity be given him to make his defense personally and by counsel.

Proviso.

Compensation.
Who to be
eligible.

SEC. 4. Said commissioners shall serve without compensation. No person shall be eligible to appointment upon said board unless he shall then be an elector and resident of said city, nor shall any person be eligible who holds any municipal elective office; or who holds any office by virtue of the appointment of the mayor or common council of said city, and any of said commissioners shall be considered as vacating his office as commissioner in the event of his accepting or holding any such office.

When considered as
vacating office.

Acceptance of
office.

SEC. 5. Immediately after appointment, and within ten days after said commissioners and their successors shall file with the recorder of said city of Muskegon the oath of office prescribed by this act for city officers, which filing shall constitute an acceptance of office, and said recorder shall thereupon give to each a certificate of his appointment and the time thereof, and shall report all such acceptances of office to said common council at its next meeting.

Duty of recorder thereon.

Board, how
organized.

SEC. 6. As soon as said commissioners shall have qualified themselves by filing their oaths of office, they shall meet and organize by electing one of their number to be president of such board, and appointing a person to be secretary and fixing his salary, which compensation shall be subject to the approval of the common council. Whereupon they shall assume control as the board of police and health commissioners of said city, and they and their successors in office shall have and possess all the powers and authority conferred upon them by this act. It shall be the duty of the common council to provide an office for the use of said board and its secretaries wherein it may hold such regular and special meetings as it may from time to time provide, and transact the ordinary business of the board, and to provide for the use of said board all the necessary furniture, records and stationery which it may require for the proper discharge of the duties devolving upon it. It shall be the duty of said board to keep full and accurate record of its meetings and of all business transacted by it. The secretary shall keep an account of all expenditures ordered and incurred by the board in managing the departments under its control. The board shall report to the common council monthly, or as may be directed

Secretary.
Salary of.

When board to
assume control,
etc.

Office of, etc.

Records of.

Account of
expenditures,
etc.

condition of the departments under its control and the use of conducting the same for the month. Said board shall from time to time certify to the common council of said city all such accounts, claims, and demands against said city for an account of said departments under its control as shall have been approved by the board, and said board may also report with recommendation any claim or demand the validity of which may be in doubt.

Monthly report.
Accounts, etc.,
to be certified
to council.

OF THE POLICE DEPARTMENT.

Sec. 7. All the powers of electing or appointing the city marshal, who shall be chief of police, police constables, special policemen, additional policemen, and watchmen, are hereby vested in said board of police and health commissioners, subject to such limitations and restrictions as to numbers, qualifications, and compensation as may be approved by the common council. Said board shall accordingly have power, and it shall be its duty, annually on the first Monday in May in each year, or as soon thereafter as may be, to appoint by ballot, or otherwise as it may deem proper, a city marshal, who shall be chief of police, and so many police constables and watchmen as it may deem necessary. It shall also appoint as many special police constables, with or without compensation, in time of special emergency or apprehended riot or from riot or other cause of alarm, as it shall deem expedient. Said board, whenever it shall seem to it discreet, may also make application of any person or persons or corporation showing the necessity thereof, appoint any number of special police constables to do duty at any designated place or places within the city, at the charge and expense of the person, persons, or corporation by whom the application shall be made. And the special police constables so appointed shall perform duty only at the places designated by said board, and shall continue in office at the pleasure of said board for a term not exceeding one year.

Sec. 8. Said city marshal, police constables, and special policemen and watchmen shall possess all the powers and privileges heretofore exercised by like officers under the charter of said city not inconsistent with this act. The marshal shall, before entering upon the discharge of the duties of his office, give such bond or security for the faithful performance of his duties as said board may direct and require; he shall be chief of police, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the laws and ordinances of the common council are promptly and efficiently enforced, and that the rules and regulations prescribed by said board in relation to the government of the force under him shall be efficiently performed and obeyed. Said officers shall have the same power as police constables now have by law, except as to the service and return of process in proceedings in civil cases, and shall be subject to the same liabilities, except as otherwise provided by law. They shall have power and authority to execute, serve, and return all

Said board to
appoint
marshal, etc.

Subject to ap-
proval by
council.

Time of
appointing.

Special police,
when may be
appointed.

Expense of, how
paid.
Limit of duty,
etc.

Power and duty
of police force.

Of marshal.

Same power as
constables.

Authority to
serve process,
etc.

process for enforcement of all ordinances of said city and the provisions of this act, issued by any justice of the peace, by the mayor or presiding officer of the common council, by any committee of the common council, and shall perform such other duties not inconsistent with this act, as the common council shall by ordinance or otherwise prescribe.

Board may
dismiss
marshal, etc.

SEC. 9. Said board may, whenever it shall seem to it best, dismiss from the department and from service the marshal or any number of the police force, or any watchman, with or without charges or a trial, and no such dismissed person shall be entitled to any compensation after said dismissal; and said board may at pleasure change any member of the police department from one grade of service to another, and may change the amount of compensation of any member of the department at any time, and may suspend any member of the department with loss of pay for such time as it may fix.

May change
grade of
service,
suspend, etc.

Shall make
rules, etc., for
governing
police relative
to badges, etc.

SEC. 10. Said board shall have power, and it shall be its duty, to make all such rules and regulations for the government and discipline of said police department as it may deem best calculated to secure thoroughness and efficiency; it shall prescribe suitable uniforms and badges for the said members of the department; shall establish proper regulations for the care and management of such police stations as may be provided by the common council for the accommodation of the police force, for the lodging of vagrants and disorderly persons, and for the temporary detention of persons suspected of crime or arrested for offenses. It shall purchase all supplies and materials needed for the use of the department. It may adopt such system of reports from members of the force to the chief and from the chief to the board as it shall think desirable, and may in its discretion require a bond to the city from any member of the department as security for the proper performance of his duties. It shall prescribe the duties of the chief of police and of all regular and special police constables, in addition to those herein provided for, and shall provide for the preservation of the public peace, for the prevention of crime, for the arrest of all offenders against the peace and good order of the city, and of all persons violating the ordinances of said city; and the members of such force shall have the power to suppress all riots, disturbances, and breaches of the peace, to apprehend any and all persons in the act of committing any offense against the laws of this State or the ordinances of the city, and all truants, vagrants and disorderly persons, and to take the offender forthwith before the proper court or magistrate to be dealt with for such offense. It shall provide for the protection of the rights of persons and property and for the preservation of order at fires and all railroad depots and steamboat landings, and shall cause the enforcement of all ordinances of the city and laws of the State in regard to public police and health and all other ordinances proper to be enforced by the police of said city. And it shall be the duty of said board at all times, whenever consistent with the regulations of the board and the public interest, to furnish all

Stations.

Supplies.

Reports.

Duties.

Shall protect
property.

Enforce
ordinances, etc.

Duty of board
to furnish
information.

information desired, and comply with all requests made by the common council of said city, or by any member thereof.

SEC. 11. No member of the police force shall receive any fee, gratuity or compensation of any kind whatever for the performance of any duty imposed upon him by law or the orders of his superior officers, except such compensation as may be authorized by the common council, nor shall he receive any fee, gratuity or compensation as a consideration or inducement for remitting or refusing to perform any duty pertaining to his office, under penalty of being punished by imprisonment in the county jail not less than six months, or by fine not exceeding five hundred dollars.

Police not to receive gratuity, etc.

Penalty therefor.

SEC. 12. The said board shall annually, in the month of August, and oftener when the common council shall so require, report the amount of all moneys expended for and on account of the police department, giving the date, items, amount and purpose of each, and at the same time shall submit estimates in detail of the amounts necessary for the proper care and maintenance of the police department during the next fiscal year, and such estimates may be increased, modified or adopted by the common council as in its judgment may seem advisable.

Board to make annual report, contents of.

HEALTH DEPARTMENT.

SEC. 13. The said commissioners shall constitute a board of health for the said city of Muskegon, and shall have and exercise the power and authority conferred on boards of health by chapter thirty-nine of Howell's Annotated Statutes of eighteen hundred and eighty-two, so far as the same are consistent with the provisions of this charter; and it shall be the duty of the common council to prescribe the penalties for the violation of any law, order, rule or regulation made by said board, or any officer thereof.

Board to constitute board of health. Powers of.

SEC. 14. The common council shall enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of said city, and to prevent the introduction of or spread of malignant, infectious or contagious diseases, and for the removal and seclusion of persons having such diseases, or who may be suspected to be liable to communicate the same, either beyond the city limits or to such hospital or place of treatment within the city as the board of health may prescribe. It shall be the duty of the board of health to recommend to the common council such rules and regulations, proper or necessary for the preservation and protection of the health of the inhabitants of said city, as in its judgment should be established by ordinance.

Council to enact ordinances relative to health.

Board to recommend rules to council.

SEC. 15. The common council shall have power to prevent, remove or abate all nuisances dangerous to life or health. It may require any person, corporation or company causing any nuisance, or the owner or occupant of any lot or premises in which any such nuisance may be found, to remove or abate

- the same upon such notice and within such time and in such manner as it may by ordinance or resolution direct; and it shall be the duty of the board of health to notify the common council of all such nuisances as may come under the cognizance of the board that require removal or abatement, and to carry out any resolution of said common council with regard thereto.
- Cellars, vaults, etc.** SEC. 16. If any cellar, vault, lot, private sewer or drain or premises within the city shall be damp, unwholesome or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to emit unwholesome or offensive exhalations, the said board shall order the same to be drained, filled up, cleaned and purified, and shall require the owner or occupant or person in charge of the premises or place to perform such duty, and may remove the same or owner or occupant of any building, fence or structure which may be ruinous or liable to fall and injure persons or property, or may order down or remove the same, or the said board may cause the same to be done by the police department of said city.
- Dangerous structures.** SEC. 17. If any person, corporation or company shall refuse to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the common council, or by the said board, for the protection of the health of the inhabitants of said city, and if any expense is incurred by the city in removing or abating such nuisance, the city may recover such expense in an action of debt or damages against said person, corporation or company, and in any case where the city shall incur any expense for draining, filling up or purifying any lot, place or premises, or for removing or abating any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the common council may, in addition to all other remedies provided for the removal of such expense, charge the same or such part thereof as the council may deem proper upon the lot or premises, upon or on which such expenses were so incurred or for which such nuisance was removed and abated, and cause the same to be assessed against such lot or premises and collected as a special assessment in the same manner and with like interest thereon that other assessments are collected under the provisions of this act.
- City may recover expense of removing or abating nuisances, etc.** SEC. 18. The common council, when it shall deem it proper, may from time to time assign by ordinance, certain places in the city for the exercise of any trade, business or occupation which is offensive to the inhabitants or prejudicial to good morals or to the well being of society or dangerous to the public health, and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure; and where any business is carried on in any place so assigned, or any other place in the city, shall become hurtful and dangerous to the inhabitants or prejudicial to the peace and good order, or otherwise objectionable to the inhabitants of the city in that neighborhood, the
- Council may assign places for certain offensive business.**
- Or prohibit.**

council may prohibit the further exercise of such business or employment at such place.

SEC. 19. The common council may purchase necessary lands and erect thereon, or otherwise provide one or more hospitals, either within or without the city limits, and when so provided the same shall come under the charge and superintendence of the said board, whose duty it shall be to provide for the appointment of the necessary officers, attendants and employés for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as may be permitted by ordinance of the common council or by said board of health to have the benefit thereof. And by direction of the said board, persons having any malignant, infectious or contagious disease, may be removed to said hospital and there detained and treated, when in its judgment the public safety may so require; and it shall be the duty of the common council to provide such restraints and punishments as shall be necessary to prevent any person committed to such hospital, for treatment for any malignant, infectious or contagious disease, from departing therefrom until duly discharged by said board.

May purchase and erect hospitals, etc.

Board of health to remove certain persons thereto, etc.

SEC. 20. Said board may employ a physician to be known as the "city physician," who shall perform such duties and receive such compensation as the said board may prescribe, subject to the approval of the common council.

City physician.

SEC. 21. The said board shall make such regulations as it may deem necessary, subject to the approval of the common council, for the conduct of funerals of persons dying of any malignant, infectious or contagious disease, and for the interment of the dead; and it may provide regulations for the proper certifying and record of every death within the corporate limits of said city, and for the record and certificate of cause of death of any body brought within the corporate limits of said city for interment, and to grant permits for the burial of the dead within said city, and the cemeteries belonging to said city.

Funerals of certain persons.

Record of deaths, etc.

Burial permits.

CEMETERIES.

SEC. 22. The said city of Muskegon may acquire, hold and own such cemeteries or public burial place or places, either within or without the limits of the corporation, as in the opinion of the common council shall be necessary for the public welfare and suitable for the convenience of the inhabitants; and the common council may prohibit the interment of the dead within the city and limit such interment therein to such cemetery or burial places as it may prescribe, and may cause any body buried within the city in violation of any rule or ordinance made in reference to such burials to be taken up and buried elsewhere.

Council may hold cemeteries.

Prescribe burials.

SEC. 23. The common council may within the limitations in this act contained, raise and appropriate such sums as may be necessary to purchase cemetery grounds and for the improvement, adornment, protection and care thereof. The said board of health

Purchase and improve cemeteries, etc.

Board of health to have care, etc. is hereby invested with all the power and authority that may be necessary for the care, management and preservation of such cemetery or burial place and places, for tombs and improvements therein and appurtenances thereof. In addition to the duties herein mentioned said board shall perform such other duties with regard to said cemeteries as the common council may prescribe.

Idem.

SEC. 24. Said board of health, subject to the directions and ordinances of the common council, shall have the care and management of every such cemetery or burial place or places, and shall direct the improvements and embellishments of the ground; cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of said board. The board shall fix the price of lots within such limitations as the common council may prescribe, and make the sales thereof. The conveyance of burial rights within such lots shall be executed in behalf of the city by the secretary of said board, and be recorded in his office at the expense of the purchasers.

Board to fix price of lots.

Make conveyances, etc.

Board to appoint superintendent, fix compensation, expend money, etc.

SEC. 25. Said board shall appoint all necessary superintendents and employes for the cemeteries and fix their compensation, subject to the approval of the common council; expend the money provided for the care and management and improvement of the grounds, enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of the persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

Cemetery fund.

How applied.

Annual report of board, what to contain

SEC. 26. The moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein or otherwise therefrom, shall be paid into the city treasury and constitute a fund to be denominated the cemetery fund. Said fund shall not be devoted nor applied to any other purpose except the purposes of such cemeteries. The said board shall report to the common council annually in the month of August, and oftener when the common council shall so require, the amount of all moneys received into and owing to the cemetery fund during the preceding fiscal year, or such other period as the common council may direct, and from what source and from whom; and the date, items, amount and purpose of all the expenditures made and liabilities incurred and to whom paid and to whom incurred; and such other matters as the common council shall require to be reported, which report shall be verified by the oath of the secretary of the board. The said board shall at the same time report to the common council estimates in detail of the amount necessary for the proper care, maintenance and improvement of the cemeteries under its charge during the ensuing fiscal year.

How verified.

Further report of estimates.

Council may pass ordinances for the control, etc.

SEC. 27. The common council may pass and enforce all ordinances necessary for the carrying into effect of the provisions herein contained, and to control or regulate such cemeteries and burial places and the improvement thereof, and to protect the

same and the appurtenances thereof from injury, and to punish violations of any lawful orders and regulations made by said board.

SEC. 28. The common council shall also have power to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within said city belonging to or under the control of any church, religious society, corporation, company, or association, and for the protection and preservation of the tombs, monuments and improvements thereof and the appurtenances thereto.

Idem as to church cemeteries, etc.

TITLE XX.

MISCELLANEOUS.

SECTION. 1. All the officers of said city whose terms of office shall not have expired, shall hold their respective offices until the expiration thereof under the provisions of the former act of incorporation of the city of Muskegon, and to that end John H. Shields shall be alderman of the first ward for the year following the first election under this act and until his successor shall be elected and qualified; Charles L. Gunn shall be alderman of the third ward for the year following the first election under this act and until his successor shall be elected and qualified; Frank H. Holbrook shall be alderman of the fourth ward for the year following the first election under this act and until his successor shall be elected and qualified; and Benjamin F. Sheets shall be alderman of the fifth ward for the year following the first election under this act and until his successor shall be elected and qualified. At the first election under this act the terms of aldermen first elected shall be so arranged that one alderman for each ward shall be elected annually thereafter.

Terms of office of certain aldermen.

SEC. 2. If from any cause whatever the board of public works and the board of police and health commissioners shall not be organized in accordance with the provisions of this act, and shall not perform the duties required of them respectively by the provisions of this act, the duties imposed upon them and the powers granted to them respectively by this act shall in all respects be granted to and discharged by the common council of said city.

Council to have power of certain boards in certain cases.

SEC. 3. All moneys received by said city for fines, penalties and forfeitures shall be disposed of as the common council may direct, and the common council shall have power to remit any fines or penalties imposed under any of the ordinances of said city.

Disposition of fine moneys.

SEC. 4. The presiding officer of the common council and the chairman of any committee or special committee thereof, shall have the power to administer any oath or take any affidavit in respect to any matter pending before the common council or such committee.

Who may administer oaths.

SEC. 5. The ordinances, rules and regulations of the city of Muskegon under the former act or incorporation thereof, not

Ordinances, etc., continued in force.

inconsistent with the provisions of this act at the time this act shall take effect, are hereby continued in full force and effect until legally amended or repealed by the proper authorities of said city.

Duty of council
on the adoption
of this act.

SEC. 6. The common council is hereby authorized to settle all accounts of the city and to cause the books of account of said city to be balanced, in such a manner as to show the actual state and condition of each fund or account appearing thereon, and to cause to be done whatever else may be necessary to show the actual and existing standing and condition of the financial affairs of the city, and to cause all funds in the city treasury on the adoption of this act to be transferred to such funds mentioned in this act as in its judgment may be proper.

First election.

SEC. 7. The common council is hereby authorized to make full provisions for the registration of electors, and for holding the first election under this act in the several supervisor districts of said city, but five days' notice of the first registration and election under this act shall be sufficient notice.

Acts repealed.

SEC. 8. All acts and parts of acts relating to the incorporation of the city of Muskegon are hereby repealed, saving and reserving, however, all rights and rights of action existing, and the right to prosecute or defend all suits for or against the city of Muskegon under the former act of incorporation thereof.

Rights
reserved.

This act is ordered to take immediate effect.

Approved March 28, 1887.

[No. 416.]

AN ACT to amend sections two, three, ten and twenty-one of act number two hundred thirty-one of the session laws of eighteen hundred seventy-one, entitled "An act to re-incorporate the village of South Haven, and to repeal all inconsistent acts and parts of acts," approved March eighteenth, eighteen hundred and seventy-one, and to amend section seven of act number two hundred and thirty-one of the session laws of eighteen hundred and seventy-one, entitled "An act to re-incorporate the village of South Haven, and to repeal all inconsistent acts and parts of acts," approved March eighteen, eighteen hundred and seventy-one, as amended by act number nineteen of the session laws of eighteen hundred and seventy-two.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact.* That sections two, three, ten and twenty-one of act number two hundred and thirty-one of the session laws of eighteen hundred seventy one, entitled "An act to re-incorporate the village of South Haven, and to repeal all inconsistent acts and parts of acts," approved March eighteen, eighteen hundred seventy-one; and that section seven of act number two hundred thirty-one of the session laws of eighteen hundred seventy-one, entitled "An act to re-incorporate the village of South Haven, and to

repeal all inconsistent acts and parts of acts," approved March eighteen, eighteen hundred seventy-one, as amended by act number nineteen [19] of the session laws of eighteen hundred seventy-two [1872], be and the same are hereby amended so as to read as follows:

SEC. 2. The electors of said village of South Haven shall meet on the first Tuesday in March in the year of our Lord one thousand eight hundred and eighty-eight, at such place as shall be designated by the president and trustees, and there by ballot shall elect by a plurality of votes from among the qualified electors of said village a president, three trustees, one assessor and one treasurer, who shall, except the trustees, hold their offices for one year, and until their successors are elected and qualified. The trustees so elected shall hold their office for two years, and annually thereafter a president, assessor, treasurer and three trustees shall be elected as aforesaid, who shall hold their respective offices as above provided; but if at any time an election of president and trustees should [shall] not be made on the day above provided for, the said corporation shall not for that cause be dissolved, and it shall be lawful to hold such election at any time thereafter, public notice being given as prescribed by this act for the holding of the regular election. The president and three trustees thus elected, together with the trustees whose terms of office are unexpired, shall constitute a village board, and a majority of the board shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time. The president shall also be the chief executive officer of the village; he shall preside at all meetings of the board, and it shall be his duty to see that all the officers of said village faithfully discharge their duties, and in case of his absence or inability to serve, the trustees shall have power to elect from their own number a president *pro tem.*, who shall have all the powers and perform all the duties of the president.

First election.
Time and place
of meeting.
Officers and
terms of office.

Election may be
held at other
than time
appointed.

Village board.

Quorum.

President,
duties of, etc.

President *pro
tem.*

Notice of
election.

Opening and
closing of polls.

Declaration of
statement.

Notice to
persons elected.

SEC. 3. It shall be the duty of the clerk of the village to give at least five days' notice of the time and place of holding an election, either by posting written or printed notices in three public places in said village, or by causing the same to be published in some paper printed in the village, and at all elections the polls shall be opened at nine o'clock in the forenoon and kept open continuously until four o'clock in the afternoon at which time the polls shall be finally closed, and immediately thereafter the ballots shall be publicly counted, and a true statement thereof made and proclaimed to the electors present, and the clerk shall make a true record thereof and within five days give written notice to the persons elected, who shall qualify and enter upon their duties on or before the ensuing Monday.

Council to pass
ordinances,
rules, etc.
Duties of
officers.

SEC. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations and to alter and repeal the same at pleasure for the following purposes, viz.: For prescribing the duties of the treasurer, assessor and such other officers of said village as they may deem necessary, concerning the corporate

Public property. Police. Public peace. Riots, etc.	property and public places and buildings of said village, for the preservation and maintenance thereof; to regulate the police thereof, to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen, and organize a fire department, and define their duties and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards and all disorderly persons; to punish lewd and lascivious behaviour on the streets or in other public places; to suppress and restrain disorderly and gaming houses, billiard tables, saloons and other devices and instruments of gaming, and shall have the exclusive power and authority to license persons as tavern-keepers and common victualers as they shall deem best, but all licenses shall terminate on the first Monday of May next after the granting of the same unless otherwise determined; and shall have power to prevent the selling or giving away or in any other manner disposing of spirituous or fermented liquors to drunkard, minors or apprentices; to prevent and punish immoderate riding or driving in the streets; to abate, prevent and remove nuisances; to suppress all disorderly houses and houses of ill-fame and to punish the inmates and keepers thereof; to prevent and compel the removal of all encumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners or occupants of lots to clean sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes and every encumbrance or obstruction thereto; to regulate the storage of powder, lumber or other combustible material; to prevent the use of firearms, sling-shots and other weapons and fire-works; to construct and regulate markets, the vending of poultry, meats, vegetables, fruits and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels containing liquors, the sealing of weights and measures; to establish, maintain and regulate pounds, and to provide for the restraint of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance; to regulate and license cartmen, porters, hacks, cabs and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets, to borrow any sum of money to be used exclusively for the purchase of grounds, rights, privileges, materials, and in making improvements, connected with a water supply in said village, not exceeding the sum of fifty thousand dollars, and at a rate of interest not exceeding seven per cent per annum, and to fix the time and places of payment of principal and interest, and to issue bonds or other evidences of indebtedness of said village for the payment of the same: <i>Provided</i> , That it shall not be lawful for said president and trustees to borrow any portion of said sum of money unless the question of borrowing the same shall have been first submitted to the electors of said village at its
Fire department. Drunkards, vagrants, etc.	
Gaming houses.	
Licenses.	
Liquors, etc.	
Immoderate driving. Nuisances. Disorderly houses, etc. Encumbrances, etc., of streets, etc. Cleaning sidewalks, etc.	
Storage of gunpowder, etc. Firearms, etc. Markets, etc.	
Weights and measures. Horses, cattle, etc.	
Dogs.	
Hacks, etc. Runners, etc.	
Lighting of streets, etc. Borrowing money to improve, etc., means for water supply.	
Bonds. Proviso relative to submitting question to electors.	

annual election, or at a special election called for that purpose by the president and trustees, two-thirds of the electors voting at said election voting therefor by ballot; to establish wells and cisterns, and prevent the waste of water; to regulate and prevent bathing in public streams and in Lake Michigan; to purchase grounds for and regulate cemeteries and the burial of the dead, and to provide for the return of the bills of mortality, and to order the use, for burial purposes, of any burying grounds or cemetery to be discontinued whenever they may deem the same necessary and for the best interests or health of the citizens; to ascertain, establish and settle the boundaries of all the streets and alleys, and to establish grades therefor; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner, and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them in, and to cause each building occupied as a house, store or shop to be provided with fire buckets and ladders; to establish fire limits within which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues, and putting up stoves and stovepipes; to regulate the construction of smith shops, planing establishments, bakeries, and all other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of the village officers; to prescribe the manner of conducting and the hours of closing all places of resort for amusement, and of saloons and drinking houses in said village; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks, and repairing the same; to grade the walks, streets, alleys, and to prescribe the manner of planking or paving them; to construct and keep in repair the public highways, culverts and sewers; to lay out new streets and alleys, and extend those already laid out, under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking a census whenever they may see fit; to regulate the running of locomotives and cars within the limits of the village; to regulate the grades of rail or plank roads; to license and regulate theaters, shows and concerts; to regulate and tax at their discretion, auctioneers, or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn brokers; to provide for removing drift-wood and clearing the Black river and Lake Michigan, within the limits of the corporation, and to prevent the placing therein of any obstructions or depositing of any filth or impure matter tending to render the water thereof unwholesome; to rail and curb, where necessary, all walks; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, excepting also places of public worship belonging to any church or congregation, and all grounds and

Wells and cisterns.

Bathing.
Cemeteries, etc.

Boundaries of streets.

Grades.

Lines of buildings.

Unsafe buildings.

Fire apparatus.

Chimneys, flues, etc.

Saloons, time of closing, etc.

Streets.

Taxes.

Census.

Locomotives.

Shows, etc.

Auctions, etc.

Peddlers.

Purity of waters.

Curbing, etc.

Certain property exempt from taxes.

Taking private property for public uses.	buildings used exclusively for educational purposes; to take the land of any person for the purpose of constructing, widening or extending streets, but not until said individuals shall be paid the value thereof, and of all buildings upon said land, and all damages he will sustain as provided for in this act. For the violation of any by-laws, rules and regulations, such reasonable penalties and fines may be imposed by the law itself, as the president and trustees may deem proper, and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace of the township of South Haven, and any interest the inhabitants of the village of South Haven as a corporate body may have in the fine and penalty to be recovered shall not disqualify any inhabitant of said village to try said cause, or serve as juror, or to be a witness therein, and the circuit court of the county of Van Buren shall also have jurisdiction over all fines and penalties imposed by said by-laws.
Fines, etc. Recovery of.	
Citizens competent as jurors, etc.	
Vacancies, how filled.	<p>SEC. 10. In case of the death, resignation or removal of the president or any of the trustees or other officers elected by the electors of said village such death, resignation or removal shall be announced by the president or clerk to the members of the common council, who shall convene as soon as may be and fill such vacancy or vacancies by appointment to be made by said common council until the next annual election.</p>
Poll tax, by whom and when collected.	<p>SEC. 21. The common council shall have full power and authority to levy and collect a capitation or poll tax upon the same persons as is provided by law for capitation or poll tax in townships, and the collection of said capitation or poll tax shall be made by the street commissioner between the first day of April and the first day of October in each year, and said commissioner is hereby vested with all the powers and authority of overseers of highways in townships in the collection of poll taxes, and also a tax upon all real and personal property (not exempt from State taxation) within the limits of said village, necessary to defray the expenses thereof: <i>Provided</i>, The said taxes so assessed and collected shall not exceed in any one year one per centum upon the valuation of said real and personal property exclusive of sidewalk, highway and capitation or poll tax; and every assessment of taxes lawfully imposed by said common council on any lands, tenements and hereditaments, or premises</p>
Commissioner vested with certain power.	
Provide limiting amount of tax.	
Taxes, a lien on property.	<p>whatever in said village, shall be and remain a lien upon such land, tenements and hereditaments from the time of the imposing of such tax until paid, and the owner or occupants, or parties in interest respectively in said real estate shall be liable to pay every such assessment or tax to be made as aforesaid; and in default of such payment or any part thereof it shall be lawful for the marshal of said village to sell personal estate, and for the want thereof to sell real estate as hereinafter provided, rendering the surplus, if any, after deducting the charges of such sale, to the person against whom the tax is levied: <i>Provided</i>, That whenever any real estate shall be sold by such marshal notice thereof shall be published in a newspaper printed in said</p>
Sale of property.	
Provide relative to notice of sale.	

county for at least four weeks, once in each week, previous to such sale, and the said marshal shall give to such purchaser or purchasers of any such lands a certificate in writing describing the lands purchased and the time when the purchaser will be entitled to a deed for said land; and if the person claiming title to said lands described in the certificate of sale shall not, within one year from the date of such certificate, pay to the treasurer of the village for the use of the purchaser, his heirs or assigns, the sum mentioned in such certificate, together with interest thereon at the rate of twenty-five per centum per annum from the date of such certificate, together with all costs of advertisements and sale, the said marshal or his successor in office shall, at the expiration of the said year, execute to the purchaser or purchasers, his or their heirs and assigns, a conveyance of the land so sold, which conveyance shall vest in the person or persons to whom it shall be given an estate in fee simple subject to all the claims the State shall have therein, and every such conveyance executed by said marshal under his hand and seal in the presence of two subscribing witnesses, and duly acknowledged and recorded in due form, may be given in evidence, and in the same manner and with the like effect as deeds executed by the Auditor General under the tax laws of the State of Michigan, and shall be *prima facie* evidence that the sale and all the proceedings therein prior to such sale were regular according to the provisions of this act and the ordinances of such village: *Provided*, That in case less in the whole tract or description of land in any case so held for taxes, shall be sold for such taxes the amount so sold shall be taken from the north side of such description, in accordance with the general laws of this State. All personal property sold for taxes in said village shall be sold in such manner as the by-laws and the ordinances of the village shall prescribe; and whenever any land shall not be bid off, or cannot be sold for the delinquent taxes aforesaid, they may be bid in for said village by the treasurer thereof in the same manner as is provided by law for the sale of lands to the State by the Auditor General and the treasurers of the several counties of this State; and the treasurer of said village is authorized to sell said lands in the same manner as is provided by law for the sale of State tax land; and upon the presentation of such treasurer's certificate of such sale, the marshal shall execute to such purchaser, when the time of redemption herein provided shall have expired, a deed in the same manner as the Auditor General is authorized by the laws of this State, and with the like effect as is provided herein for other [tax] deeds.

Marshal.

Certificate of sale.

Redemption.

Issue of deed to purchaser.

Effect of.

Provided.

Sale of personal property for taxes.

May be bid in by village.

How disposed of.

Deed to be executed to village.

This act is ordered to take immediate effect.

Approved March 29, 1887.

[No. 417.]

AN ACT to incorporate the village of Eagle, in Clinton county.

SECTION 1. *The People of the State of Michigan enact*, That all

Territory
incorporated.

that tract of land situate in the township of Eagle, county of Clinton and State of Michigan, which is known and described as follows, to wit: Commencing at the center of section twenty-one, thence south two and forty-four hundredths rods, thence east fifty-four rods, thence north ten and sixty-four hundredths rods, thence westerly fifty-four rods, thence north seventy-five rods, thence west seventy-nine and fifty hundredths rods, thence south one hundred and three and forty-four hundredths rods, thence east seventy-nine and fifty hundredths rods, thence north to the place of beginning, now constituting the recorded plat of Eagle village, be and the same is hereby made and constituted a village corporate by the name, style and title of the village of Eagle.

First election.

SEC. 2. The first election of officers of said village of Eagle shall be held at the justice office of Robert W. David, in said village, on the second Monday in May, in the year of our Lord eighteen hundred and eighty-seven, due notice of which election shall be given by the board of registration hereinafter appointed, by posting notices in three public places in said village ten days before such election.

Notice of.

Board of
registration.

SEC. 3. Robert W. David, Henry W. Partlow and Andrew Barnum are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration shall meet on Saturday next preceding said day of election at said justice office, and remain in session the same hours required of the board of registration at general elections, and register the names of all persons residing in said village having the qualifications of voters at township meetings and presenting themselves for registration. Due notice of such registration shall be given by said board by posting notices thereof in three public places in said village ten days previous to the meeting of said board of registration.

Meeting of.

Notice of
meeting.

Governed by
general law.

SEC. 4. The said village of Eagle shall, in all respects not herein otherwise provided, be governed by and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereto.

Election may
be held at other
than time
designated.

SEC. 5. In case said officers are not elected at the time and in the manner designated in section two of this act, an election of officers may be had [held] at any time within one year from the time designated in section two of this act, and notice given as provided by said section. The electors present at the place of registration may fill any vacancy or vacancies that may occur in such board of registration. The members of said board of registration shall take the constitutional oath of office before entering on the discharge of their duties.

Vacancies in
board of regis-
tration.

Oath of
members of.

This act is ordered to take immediate effect.

Approved March 30, 1887.

[No. 418.]

To detach certain territory from the Union school district of the city of Owosso, Shiawassee county, Michigan.

SECTION 1. *The People of the State of Michigan enact, That* following described territory, to-wit: All of section six and a half of section seven in town seven north, of range three county of Shiawassee, be and the same is hereby detached from the union school district of the city of Owosso. Territory detached.

SECTION 2. The territory hereby detached from said union school district of the city of Owosso is hereby made subject to regular township authority, to be disposed of by forming a new school district or without other territory, or by attaching the same to other district or districts, the same as though the said territory never formed a part of any school district. Detached territory made subject to township authority.
This act is ordered to take immediate effect.
Approved March 30, 1887.

[No. 419.]

To organize a school district and to create a graded school in the township of Standish, county of Arenac, and township of Pinconning, county of Bay, in the State of Michigan, and to establish the boundaries of school districts rendered necessary by the organization of such school district.

SECTION 1. *The People of the State of Michigan enact, That* following described territory, viz: Sections twenty-five, twenty-seven, thirty-four, thirty-five and thirty-six in township eighteen north, of range number four east, and section thirty, thirty-one and thirty-two, fractional section twenty-five south half of the southeast quarter and the south half northwest quarter of section nineteen in township eighteen north of range five east, the southeast quarter of the southeast quarter of section twenty-four of township eighteen north, of range four east, and the north half of section one in township eighteen north, of range number four east, and the north half fractional section six in township seventeen of range five east, be and the same is hereby organized into a graded school district known and designated as graded school district number one in the townships of Standish in Arenac county and Pinconning in Bay county, Michigan. Territory organized.

SECTION 2. The board of trustees of such graded school district shall consist of seven persons, who shall be elected by the qualified electors of said district within twenty days after the passage of an act of such district within twenty days after the passage of notice of such first election to be given by the director of the township existing primary district number three; and annually on the first Saturday in August there shall be elected trustees to serve for the term of one year and until their successors are elected and qualified: *Provided, That the officers* How designated.
Board of trustees and election of, etc.
Provide.

Officers of
board.

elected at the first meeting shall hold their office until the first Saturday in August in the year eighteen hundred and eighty-eight, and they shall, after they have qualified, elect from among their number one president, one clerk and one treasurer, who shall hold their offices as above specified.

Authority of
board.
To borrow
money.

SEC. 3. Said board of trustees shall have authority:

First, To issue bonds and borrow money on the faith and credit of said district in amount not to exceed the sum of two thousand dollars, payable in not less than five nor more than ten years, to bear interest at a rate of not more than seven per cent per annum: *Provided*, that it shall require a five-sevenths vote of the whole number of said trustees.

Proviso.

To locate
school house
site.

Second, To locate a school-house site, anywhere not to exceed one-fourth mile from a point where the East Saginaw and Sable river State road crosses the section line between sections twenty-five and thirty in town eighteen north, of range four east, and to erect such buildings thereon for school purposes as they shall deem for the best interests of said district, and execute deeds of conveyance of any real estate belonging to said school district.

To erect
buildings.

To convey real
estate.

To examine
teachers, etc.

Third, To examine all persons who may present themselves for the position of teacher in said district, or authorize such examination to be made by the board of school examiners of said county.

Territory
detached from
district No. 1.

SEC. 4. The west half of the southeast quarter and the east half of the southwest quarter of section eight, in township eighteen north, of range five east, be and the same is hereby detached from primary school district number one, and the same is hereby attached to primary school district number two of said township.

Attached to
district No. 2.

Joint meeting
of district
boards for
settlement.

SEC. 5. The district board of the now existing primary school district number three shall hold a joint meeting with the board of trustees of graded school district number three, within thirty days after the passage of this act, notice of which shall be given by posting notices thereof in three public places in said district by the secretary of said board of trustees at least five days previous to such meeting, for the purpose of settlement between said primary school district number three and graded school district number three, and the assessor of said primary school district shall then pay over all money in his hands to the treasurer of said board of trustees, and the director of said primary school district shall deliver all school property belonging to said primary school district to the clerk of said graded school district number three.

Moneys and
property, to
whom
delivered.

Governed by
general laws.

SEC. 6. In every particular not otherwise provided for in this act, said graded school shall be governed by the general laws of the State relative to graded schools.

This act is ordered to take immediate effect.

Approved March 30, 1887.

[No. 420.]

To supplementary to the charter of the city of Ann Arbor and relative to justices of the peace in said city.

SECTION 1. *The People of the State of Michigan enact*, That any justice now existing in the office of justice of the peace of said city of Ann Arbor shall be filled, that no justice of the peace be elected in said city at the charter election to be held on Monday of April in the year eighteen hundred and eighty-seven, unless a vacancy shall hereafter occur and then only to fill such vacancy; and that from and after the fourth day of July, eighteen hundred and eighty-eight, there shall be only two justices of the peace in said city.

No justice of the peace to be elected in 1888 except to fill certain vacancies.

To be only two justices after July 4, 1888.

The said two justices of the peace, successors to those now in office, shall be elected, one at the charter election to be held on the first Monday of April, eighteen hundred and eighty-seven, and the other at the charter election to be held on the first Monday of April, eighteen hundred and eighty-nine, and each shall hold office for the term of four years from and including the fourth day of July following his election, and the successors of each shall be elected at the charter election preceding the close of his term of office.

Justices, when to be elected and terms of office.

Whenever a vacancy shall occur in the office of justice of the peace, the common council of said city may order the same to be filled at a special election, at the next charter election, or at the next general election at which county officers are to be elected.

Vacancies, how filled.

This act is ordered to take immediate effect.
Approved March 30, 1887.

[No. 421.]

To amend sections one [1], two [2] and eight [8] of chapter eleven [11] of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That chapter eleven [11] of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts or parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Sections amended.

SECTION 1. The revenues and moneys of the corporation shall be divided into the following funds, viz.:

Revenue divided into funds.

General fund, which shall be appropriated to defray the

- General.** expenses of the city of Detroit, for the payment of which out of some other fund no provision is herein made.
- Contingent.** *Second,* Contingent fund, to defray the contingent expenses of said city;
- Interest.** *Third,* Interest fund, to pay the interest on the funded debt of the city;
- Sinking.** *Fourth,* Sinking fund, to pay the funded debt of said city;
- Fire commission.** *Fifth,* Detroit fire commission fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of said city;
- Poor.** *Sixth,* Poor fund, to defray the expenses of providing for and taking care of the poor of said city;
- General road.** *Seventh,* General road fund, to defray the expenses of repairing paved streets and alleys, and of grading, paving and improving the highways, streets and alleys of said city, in front of or adjacent to the property of the corporation, and to defray the expenses of constructing and repairing crosswalks in the several wards of the city;
- District road.** *Eighth,* District road fund for each ward of the city, to defray the expenses of working, repairing, cleaning and improving the highways, streets and alleys in the ward for which such district road fund is constituted and raised;
- Sewer.** *Ninth,* Sewer fund, to defray the expenses of constructing sewers in said city;
- Street opening.** *Tenth,* Street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending, or abolishing any highways, streets, alleys or avenues in said city;
- Street paving.** *Eleventh,* Street paving fund, to defray the expenses of grading, paving and graveling, macadamizing, or planking highways, streets, alleys, sidewalks and crosswalks in front of or adjacent to private property, and of putting curb-stones and culverts therein;
- Public building.** *Twelfth,* Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray the expenses of erecting, repairing, and preserving such public buildings as the common council is authorized to erect and maintain, and are not herein otherwise provided for, which fund shall, from time to time, be divided into special building funds, to defray the expense of erecting, repairing and preserving the particular building or buildings for which such special building fund may be constituted or raised;
- Special building.** *Thirteenth,* Recorder's court fund, to maintain the recorder's court;
- Recorder's court.** *Fourteenth,* Public lighting fund, to defray the expense of lighting the public streets, parks, alleys and public places, public markets and public buildings of said city;
- Public lighting.** *Fifteenth,* Such other funds as the common council may constitute for special purposes, not inconsistent with, nor to be taken from, any of the funds above constituted or raised.
- Other funds.**

SEC. 2. The common council shall have power annually to

and collect taxes not exceeding one per cent on the value of all real and personal estate in said city, made by the laws of this State, in order to defray the expenses, for the purpose for which the general fund, contingent fund, commission fund, poor fund, general road fund and court fund are constituted as above. Said common council shall have power annually to levy assessments and collect on the assessed value of all real and personal estate in said city made taxable by the laws of this State, in order to defray the expenses, and for the purpose for which the public lighting fund is constituted as above. Said common council shall have power to advertise for proposals and contract for such public lighting for the term of one, two or three years, as they may deem advisable: *Provided*, That the amount to be raised for the public lighting fund in any one year shall not exceed the cost or the actual cost, if already contracted for, of the lighting of that year.

Power of council to levy tax for certain funds.

To contract for lighting.

Proviso.

No contract shall be let or entered into for the construction of any public work, or for any work to be done, or for the leasing or furnishing of supplies for said city not herein provided for; and no such public work, performance, purchasing or contracting shall be commenced until approved by the common council, and until the contract therefor has been duly approved and confirmed by the common council, and a tax or assessment levied to defray the cost and expense of the same; and no such supplies and materials shall be paid for or contracted to be paid for except out of the proceeds of the tax or the assessment levied: *Provided however*, That public lighting may be contracted for and paid for in accordance with section two of

Contracts, etc., to be approved by common council, etc.

Proviso.

It is ordered to take effect April 1, 1887.
 Passed March 30, 1887.

[No. 422.]

To change the name of the corporation of "Saint Anthony's Orphan Asylum," of the township of Hamtramck, Alcona county of Wayne.

Section 1. *The People of the State of Michigan enact*, That the name of the corporation known as "Saint Anthony's Orphan Asylum" be and the same is hereby changed to "Brothers of Saint Vincent de Paul."
 It is ordered to take immediate effect.
 Passed April 1, 1887.

Name changed.

[No. 423.]

To incorporate the village of Harrisville, Alcona county.

Section 1. *The People of the State of Michigan enact*, That

Territory incorporated.	all those certain tracts or parcels of land lying and being in the township of Harrisville, county of Alcona, and State of Michigan, to-wit: Lot three and the southwest quarter of section twelve, lot one and the northwest quarter of section thirteen, township twenty-six north of range nine east, is hereby constituted a village corporate, known and designated as the village of Harrisville.
First election.	SEC. 2. The first election of officers for said village shall be held on the second Monday in April, in the year eighteen hundred and eighty-seven, at the court room in the court house in said village.
Board of registration.	SEC. 3. George La Chapelle, Charles Sterritt and Leander Boardman are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in
Meeting of.	said village, and said board of registration are hereby required to meet at the sheriff's office in the court house in said village on the Saturday preceding the second Monday in April, in the year one thousand eight hundred and eighty-seven aforesaid, to register the names of all persons residents of said village presenting themselves for registration having the qualification of voters at annual township meetings, and notice of the meeting of said board of registration shall be posted by the said board in three public places in said village at least ten days previous to such meeting.
Notice of meeting.	SEC. 4. Notice of said first election of officers for said village shall be posted in three of the most public places in said village at least ten days before the time of said election, which notice shall be signed by any five electors in said village.
Notice of election.	SEC. 5. The said village of Harrisville shall, in all things not herein otherwise provided, be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and acts amendatory thereof.
Governed by general law.	SEC. 6. In case the said election is not held at the time designated in section two of this act, an election of officers may be had at any time within one year from the time designated in section two of this act, on notice being given as provided by section four of this act.
Election may be held at other than time designated.	This act is ordered to take immediate effect. Approved April 1, 1887.

[No. 424.]

AN ACT to authorize the Imlay City Agricultural and Horticultural Society to sell or mortgage its real estate for the purpose of paying its indebtedness.

SECTION 1. *The People of the State of Michigan enact, That* the Imlay City Agricultural and Horticultural Society, of the

Authorized to sell or mortgage real estate.

township of Imlay and county of Lapeer, a corporation duly organized under the laws of this State, be and is hereby authorized and empowered through its proper officers to sell or mortgage any or all real estate owned and controlled by said society, for the purpose of paying its indebtedness, and to execute proper deed or deeds of conveyance therefor.

This act is ordered to take immediate effect.

Approved April 8, 1887.

[No. 425.]

AN ACT to authorize the Central Michigan Agricultural Society to sell and convey its real estate, and to provide what proceedings shall be necessary therefor.

SECTION 1. *The People of the State of Michigan enact*, That the Central Michigan Agricultural Society may, in case the uses and convenience thereof so require, sell and convey from time to time the whole or any part of its real estate. Authorized to sell real estate.

SEC. 2. No such sale shall be made until the business committee of said society shall, by resolution, declare the same to be useful and convenient and specify the parcel or parcels to be sold, nor until such resolution shall have been submitted to the members of said society at a regular annual meeting and by them adopted by a two-thirds vote of the members present and voting. When sale may be made.

SEC. 3. A copy of said resolution, written or printed, with notice that the same will be presented to the society for confirmation, shall be mailed to each member of said society by the secretary thereof at least ten days before any regular annual meeting. Notice to be mailed to members of society.

SEC. 4. The sales heretofore made by the said society by and through its proper officers to the Chicago and Grand Trunk railroad company and to William McPherson, jr., under the express authority given to said officers at a regular annual meeting of said society, held on the twenty-eighth day of January, eighteen hundred and eighty-five, shall be valid and binding. Former sales confirmed.

This act is ordered to take immediate effect.

Approved April 8, 1887.

[No. 426.]

AN ACT to amend sections five and six of act number three hundred and ten of the local acts of eighteen hundred and seventy-seven, approved April twenty-one, eighteen hundred and seventy-seven, being an act entitled "An act to regulate the time for holding the annual meeting and the manner of electing trustees in union school district number one of the city of Jackson, and to repeal section two of act three hundred

and forty of the session laws of eighteen hundred and seventy-five, approved April twenty-two, eighteen hundred and seventy-five.”

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections five and six of act number three hundred and ten of the local acts of eighteen hundred and seventy-seven, approved April twenty-one, eighteen hundred and seventy-seven, being an act entitled “An act to regulate the time for holding the annual meeting and the manner of electing trustees in union school district number one of the city of Jackson, and to repeal section two of act three hundred and forty of the session laws of eighteen hundred and seventy-five, approved April twenty-two, eighteen hundred and seventy-five,” be and the same are hereby amended so as to read as follows:

Manner of
voting.

SEC. 5. The qualifications of electors of said election shall be the same as now provided by section seventeen of chapter one hundred and ninety-six of Howell’s Annotated Statutes of Michigan, being compiler’s section five thousand and forty-nine, and the electors shall vote by ballot, and each person offering to vote shall deliver his ballot folded to one of the inspectors, in the presence of the board, who shall deposit the same unopened in the ballot-box.

Challenge.

SEC. 6. If any person offering to vote at such election shall be challenged as unqualified by any legal voter in said district, one of said inspectors shall declare to the person so challenged the qualifications of a voter, and if such person shall state that he is qualified, and the challenge shall not be withdrawn, the said inspector shall tender him the oath or oaths provided in section eighteen of said chapter one hundred and ninety-six of Howell’s Annotated Statutes of Michigan, being compiler’s section five thousand and fifty, and any person taking such oath or oaths shall be permitted to vote at such election.

Oath.

Ordered to take immediate effect.

Approved April 9, 1887.

[No. 427.]

AN ACT to amend act number four hundred and five of the local acts of eighteen hundred and seventy-nine, entitled “An act to re-incorporate the village of Sault Ste. Marie” by adding six new sections thereto to stand as sections six, seven, eight, nine, ten and eleven thereof.

Act amended.

SECTION 1. *The People of the State of Michigan enact, That* act number four hundred and five of the local acts of eighteen hundred and seventy-nine, approved May twenty-ninth, eighteen hundred and seventy-nine, entitled “An act to re-incorporate the village of Sault Ste. Marie,” be and the same is hereby amended by adding thereto six new sections to be numbered sections six, seven, eight, nine, ten and eleven, and to read as follows:

Sections added.

SEC. 6. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within the limits of the village of Sault Ste. Marie, except by permission and approval of the council by resolution passed for that purpose, nor until the proprietor shall file with the village clerk a correct survey, plan, and map of such grounds and the subdivision thereof, platted and subdivided as approved by the council and made to their satisfaction, showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the village; nor shall any such plat and dedication of the streets and public grounds therein be recorded in any office of any register of deeds until a certificate has been endorsed thereon by the village clerk, under the seal of the village, showing that such plat and declaration has been approved by the council; nor shall the said village, by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by an ordinance specially passed for that purpose.

Laying out, plating and dividing lands in the village. Council to give permission.

Village clerk to certify to plats.

Village not responsible for improvement of streets, etc.

SEC. 7. The village council shall have authority to levy by special assessment in the manner hereinafter provided, an amount not to exceed one-half the cost and expenses incurred in laying out, establishing, opening, making, widening and extending any public street in said village and in securing the private property necessary therefor whether the same be by condemnation or purchase, upon a special assessment district consisting of property adjacent to or benefited by such improvement.

Expense of laying out streets, etc., how paid.

SEC. 8. In all cases after final judgment heretofore or hereafter had in condemnation proceedings to acquire private property for public streets, the council shall, by resolution reciting said improvement, declare what part or proportion of the expenses thereof shall be paid by special assessment, and what part from the general funds of the village, and shall designate the district or lands and premises upon which the special assessment shall be levied. They shall further cause a map of said district to be made and filed with the village clerk for public examination, and shall publish a copy of said resolution for two weeks at least in one of the newspapers of said village.

Proceedings of council relative to assessments for said expenses.

SEC. 9. Upon the publication of said resolution, as heretofore provided, the council shall by resolution direct the board of assessors of said village to make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed on said special assessment district, and to assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot for the said improvement.

Idem.

SEC. 10. Said special assessment shall be reported to the council and notice of meeting for purposes of review given, and all proceedings taken relative to the correction, confirmation and

Review; confirmation, etc., governed by general law.

collection of the same, in the same manner as provided by that portion of chapter eighty-one of Howell's Annotated Statutes relating to the levy and collection of special assessments; and all provisions with reference to special assessments levied under the authority of said chapter so far as the same are not inconsistent herewith, shall apply to any special assessment levied under the authority of this act, including authority to borrow in anticipation of the collection of said special assessment, such sum not exceeding the assessment, as may be necessary for the prosecution or completion of the improvement; the assessment when collected to apply in payment of said loan.

Power of
council relative
to railroads

SEC. 11. The common council shall have authority to grant to any railroad company the use of its streets, alleys, or other public roadways, on which to lay their tracks and run their cars by steam or other power, upon such terms and conditions and subject to such rules and regulations as such common council shall deem proper.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 428.]

AN ACT to revise and amend act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, and to repeal all acts or parts of acts inconsistent herewith.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number fifty-three of the session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Battle Creek," approved February third, eighteen hundred and fifty-nine, as revised and amended by the several acts revisionary and amendatory thereof, be and the same is hereby amended so as to read as follows, and all acts and parts of acts inconsistent herewith are hereby repealed:

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That sections one and twelve in the township of Battle Creek and sections six and seven in the township of Emmet, in the county of Calhoun, be and the same are hereby set off from the townships of Battle Creek and Emmet respectively and declared to be a city by the name of the "City of Battle Creek," by which name it shall hereafter be known.

Body corporate.

SEC. 2. The inhabitants of said city, from time to time, shall be and continue a body corporate and politic, to be known and distinguished by the name and title of the "City of Battle Creek," and by that name shall be and are hereby made capable of suing and being sued, of pleading and being impleaded, of answering and being answered unto, and of defending and being defended in all

courts of law and equity, and in all other places whatever; and may have a common seal, which they may alter and change at pleasure, and by the same name shall be and are hereby made capable of purchasing, holding, receiving, conveying, managing and disposing of any real and personal estate for said city.

SEC. 3. Said city shall be divided into five wards, as follows, ^{Wards.}
 to wit: The first ward shall embrace all that portion of the city ^{First.} described as follows: Beginning at the intersection of Main and Jefferson streets, thence southeasterly along Main street to its intersection with the section line between section seven, town two south, range seven west, and section twelve, town two south, range eight west, thence south along said section line to the southeast corner of said section twelve, town two south, range eight west, thence west on the south line of said section twelve to the southwest corner of section twelve, thence north on the west line of said section twelve, to the center of Race street, as laid down on Meachem's addition to Battle Creek, thence southeasterly along the center of Race street to the intersection of Race and Jefferson streets, thence northeasterly along the center of Jefferson street to its intersection with Main street, at the place of beginning. The second ward shall embrace all that portion of the ^{Second.} city described as follows: Beginning at the intersection of Jefferson and West Canal streets, thence southwesterly along the center of Jefferson street to the intersection of Jefferson and Race streets, thence northwesterly along the center of Race street to the west line of said section twelve, thence northerly along the west line of said section twelve and the west line of section one, in township two south, of range eight west, to the intersection of Main street with said last named section line, thence southeasterly along the center of Main street to the intersection of said Main and West Canal streets, thence up and along the center of West Canal street to the place of beginning. The third ward shall embrace all that portion of the ^{Third.} city described as follows: Beginning at the intersection of the Battle creek stream and the west line of said section seven, thence down and along the center of the Battle creek to its intersection with Jefferson street, thence southwesterly along the center of Jefferson street to the intersection of Jefferson and West Canal streets, thence northwesterly along the center of West Canal street to its intersection with Main street, thence northwesterly along the center of Main street to its intersection with the west line of section one aforesaid, thence north along the west line of said section one to the northwest corner thereof, thence east along the north line of said section one to the northeast corner thereof, thence south along the east line of said township two south, of range eight west, to the place of beginning. The fourth ward shall embrace all that portion of the ^{Fourth.} city described as follows: All of those parts of said sections six and seven, in township two south, of range seven west, lying north of Battle creek stream. The fifth ward shall embrace all that ^{Fifth.} portion of the city described as follows: Beginning at the inter-

Proviso.	<p>section of Main and Jefferson streets, thence southeasterly along Main street to its intersection with the section line between section seven, town two south, range seven west, and section twelve, town two south, range eight west, thence south along said section line to the southwest corner of said section seven, thence east on the south line of said section seven to the southeast corner of said section seven, thence north on the east line of said sections seven and six until it intersects the center line of the Battle creek, thence down and along the center line of the Battle creek to its intersection with Jefferson street, thence southwesterly along the center of Jefferson street to its intersection with Main street, the place of beginning: <i>Provided</i>, That whenever a street or water course is mentioned in this act as a boundary or division line, the center of said street or water course shall be deemed to be the said line or boundary, unless otherwise designated or described. The persons holding the offices of aldermen and constable in the ward which is hereby divided, shall continue to hold such offices for the wards hereby created in which they respectively reside, during the remainder of the time for which they were respectively elected or appointed; and the common council shall forthwith appoint other persons to fill the vacancies in the offices of aldermen and constable created by this act, in said first and fifth wards, but such appointments shall not extend beyond the next annual election of said city, and until their successors shall be respectively elected and qualified. There shall be a general re-registration of the electors of said city in the year eighteen hundred and seventy-nine, on Friday and Saturday next preceding the charter election of that year, and on such day of election, and in accordance with the same provisions of law as for a first registration. All meetings of the boards of registration of the several wards for the purpose of registration shall be held hereafter in the rooms of the common council of said city.</p>
Present aldermen and constables to hold office.	<p>SEC. 4. The following officers shall be elected from among the electors of said city, to wit: One mayor, one recorder, who shall be <i>ex-officio</i> city clerk; one supervisor, one treasurer and four justices of the peace, who shall be elected in the following manner, to wit: The mayor, recorder, supervisor and treasurer shall be elected annually, and shall hold their offices for one year, and until their successors shall be elected and qualified. There shall also be elected annually one justice of the peace, who shall hold his office for four years, and until his successor shall be elected and qualified.</p>
Council to fill vacancies.	<p>SEC. 5. There shall be elected at the same time in the several wards, from among the electors thereof respectively, one alderman and one constable; the said alderman to hold his office for two years, and the said constable for one year, and until their successors shall be elected and qualified: <i>Provided</i>, That the aldermen and constables now holding office in said wards shall continue to hold such offices until the terms for which they were respectively elected shall expire; and also, that at the first elec-</p>
Re-registration.	
Elective city officers and manner of electing, etc.	
Elective ward officers.	
Proviso.	

tion under this act two aldermen shall be elected in the fifth ward, one for the term of one year, and one for the full term of two years, and until their successors shall be elected and qualified; and that the term for which said aldermen are respectively elected at said first election shall be designated on the ballots.

SEC. 6. The annual election under this act shall be held on the first Monday in April in each year, at such place in each of the several wards as the common council shall designate, and as near the center of the city as convenient, notice of which shall be given by the recorder at least ten days before the day of election, by posting printed notices thereof in three public places in each ward; the aldermen of each ward and an elector residing therein, who shall be appointed by the common council at the regular meeting thereof next preceding said election, shall be the inspectors of such election, and also of all elections to be held in said city during that year. Said inspectors shall, before opening the polls at any election, appoint one of their own number chairman of such board of inspectors; they shall also appoint some person who shall be an elector of said ward to act as clerk of said election: *Provided*, That at the general and judicial elections they shall appoint two such clerks. In case of the absence of one or more of such inspectors, the electors present may choose, *viva voce*, from their number one or more, as the case may be, to fill such vacancy or vacancies, to whom, and to such clerk or clerks and to the inspector so appointed by the common council, shall be administered the constitutional oath by either of said aldermen or by any justice of the peace of said city. The manner of conducting all elections and canvassing the votes and the qualifications of the electors in the several wards shall be the same as in townships, the word "ward" instead of "township" being used in the oath to be administered to an elector, in case his vote shall be challenged, and also in the making of all certificates or statements of and concerning such elections: *Provided*, That at such charter election the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in said city, and also one certificate of the number of votes given for each person for the several offices to be filled in the several wards of said city, which certificates shall be, within twenty-four hours, filed in the office of the recorder of said city; and at ten o'clock in the forenoon of the Thursday next following the day of such election, the common council shall meet at their usual place of meeting, and thereupon determine who, by the greatest number of votes given in the several wards or by lot, as hereinafter provided, are duly elected or chosen to fill the respective city and ward offices; and it shall be the duty of said recorder, immediately after such determination, to cause notice to be given to each of the persons elected of their election; and each of said officers so elected and notified shall, within five days thereafter, take and subscribe the constitutional oath of office, before any person authorized to administer oaths, and shall deliver the same to the recorder, who shall file the same

Annual election.

Inspectors of election.

Provido.

Oath.

Manner of conducting elections.

Provido.

Meeting of council.

Notice to persons elected, etc.

Proviso.	in his office: <i>Provided</i> , That in case of the election of one or more justices of the peace and of the election and qualification of one or more constables, said recorder shall make a certificate thereof, and cause it to be delivered to the clerk of the county of Calhoun, in the same manner as is required of township clerks: <i>Provided</i> ,
Further proviso.	<i>also</i> , That all justices of the peace and constables elected under this act shall, within five days after receiving notice of their election, qualify by filing their constitutional oath and giving security, in the same manner as required by law of justices of the peace
In case of tie.	and constables of townships; and in case two or more persons shall receive for the same city office an equal number and a plurality of the votes given at such election, the common council shall, at its meeting on the Thursday succeeding such election, proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such city office; and in case two or more persons shall receive for the same ward office an equal number and a plurality of the votes given at such election, said board of ward inspectors shall, immediately after such election, proceed to determine by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office, and enter the same upon the certificate to be by them filed in the office of the recorder, as in
When deemed to have declined.	this section provided; and in case any of the officers so elected or chosen and notified shall neglect, for the term of five days, to qualify as aforesaid, or to give such security as the provisions of this act or the by-laws or ordinances of the common council of said city shall require, such officer or officers shall be deemed to have declined.
Appointive officers, when and how appointed and removed.	SEC. 7. The mayor shall have power, and it shall be his duty, on the third Monday of April in each year, or as soon as may be thereafter, subject to the approval of a majority of the aldermen elect, to appoint a city attorney, marshal, assistant marshal who shall be <i>ex-officio</i> deputy street commissioner, and such other officers whose election or appointment is not herein especially provided for, as said common council may deem necessary to carry into effect the powers granted by this act, and with the consent of a majority of the aldermen elect he shall have power to remove the same at pleasure. The common council shall also have power to remove the treasurer, or any constable of said city, for any violation of the provisions of this act, or of any amendment thereof, or of any by-law or ordinance, or for neglecting or refusing to perform the lawful requirements of said common council, in a manner to be provided by the by-laws or ordinances of said city; and in case of such removal, or in case of the death, resignation, or neglect to qualify, or removal from the city, or from the ward in and for which he was elected, of any officer of the corporation or ward, except justices of the peace, the common council shall, as soon as may be, appoint an officer to fill such vacancy for the unexpired portion of his term of office: <i>Provided</i> ,
Vacancies, how filled.	Such appointment shall not extend beyond the next annual election of said city, and until his successor shall be duly elected and
Proviso.	

fied. All officers so appointed shall be notified and qualified herein provided: *Provided further*, That the common council may at any time order a special election to fill vacancies in any office which is elective under this act, and they shall designate the time and place of holding the same, and the same notice shall be given as for an annual election, stating the office or offices to be filled; and any person so elected shall hold and serve for the remainder of the term of said office.

Further
proviso.

Sec. 8. In case of the absence of the mayor from the city, or his inability to act, or of a vacancy occurring in said office, the recorder shall be and he is hereby authorized to do and perform all the duties and trusts appertaining to the said office of mayor, except to preside at meetings of the common council, and the said mayor shall resume his duties, or another be elected qualified.

In case of
inability, etc.,
of mayor, who
to act.

Sec. 9. The mayor, recorder and aldermen, when assembled together and duly organized, shall constitute the common council of the city of Battle Creek, and a majority of the aldermen shall be necessary to constitute a quorum for the transaction of business; though a less number may adjourn the council from time to time; the said common council shall meet at such times as they may determine, and at such other times as the mayor, or in case of his absence from the city, or of his inability to act, or of a vacancy in his said office, the recorder may appoint; whenever a special meeting shall be called the object and purpose of said meeting shall be stated in such call. The common council shall have power to impose, levy and collect such fines as they may deem proper, by by-law or ordinance, for the non-attendance of members and officers thereof, at any meeting, and also to require the attendance at any meeting of any of the officers of the city, and in like manner, to impose, levy and collect such fines as they may deem proper for non-attendance. It shall be the duty of the mayor to preside at all meetings of the common council, and in case of a tie, to give the casting vote, but he shall not have a vote in any other case. And it shall also be the duty of the recorder to attend all such meetings, and keep a fair and accurate report of their proceedings, which shall be published in one or more papers published in said city. The recorder shall also be entitled to vote in the common council. In case the mayor shall be absent or unable to act, the aldermen may appoint one of their own number to preside at such meeting; and in case of the absence of the recorder, they may appoint one of their own number recorder *pro tempore*.

Common
council, who to
constitute.

Meeting of.

Power to com-
pel attendance.

Duty of mayor.

Of recorder.

Sec. 10. The recorder, treasurer and marshal shall, respectively, before they enter upon the discharge of the duties of their respective offices, give such security for the faithful performance thereof, and trusts reposed in them, as shall be prescribed by the ordinances of said city.

Certain officers
to give security.

Sec. 11. The common council, in addition to the powers and duties especially conferred upon them in this act, shall have the management and control of the finances, rights and interests,

General duties
of council to
enact laws, etc.

buildings, and all property, real and personal belonging to the city, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and further, they shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem desirable within said city, for the following purposes:

Relative to
vice, etc.

First, To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the city, to prohibit, prevent and quell riots, disturbances, disorderly noises, or assemblages in the streets, or elsewhere in said city;

Disorderly
houses, etc.

Second, To prohibit, prevent and restrain disorderly and gaming houses, to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard and pool tables and bowling alleys;

Gambling, etc.

Third, To prohibit, restrain or prevent persons from gaming for money or other valuable thing, with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop, or in any other place in said city; to punish the persons keeping the building, place, instruments, devices, or means for such gaming, and to provide for the destruction of the same;

Lotteries, etc.

Fourth, To prohibit, prevent and suppress all lotteries for drawing or disposing of money, property or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof;

Liquors, etc.

Fifth, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling or giving to be drank, any intoxicating liquors to any minor or drunkard; and to prohibit, restrain or regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fees to be paid by auctioneers;

Nuisances, etc.

Sixth, To prohibit, prevent, abate or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow-chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of said city;

Slaughter
houses, etc.

Seventh, To direct the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible or explosive substances; also to make regulations concerning the buying, carrying, selling, keeping and using gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, or other combustible, explosive or dangerous articles, and the exhibition of fire-works and the discharge of cannon or fire-arms, and the use and kind of lights or lamps to be used in barns, stables and all buildings, cellars and establishments usually regarded as

extra hazardous in respect to fire, and to regulate, restrain or prevent the making of bonfires in streets, lanes, alleys, yards, or public places;

Eighth, To prevent the cumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges or aqueducts, in any manner whatever and to remove any obstruction therefrom; to regulate or prevent the exhibition of signs on canvass or otherwise, in or upon any vehicle, standing or traveling upon the streets of said city, or held or carried by any person; to control, prescribe or regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs; to control, prescribe and regulate the manner in which the streets, lanes, avenues, alleys, public grounds and spaces within said city shall be used, and to establish the grades thereof, and to provide for the preservation of and the prevention of willful injury to the gutters in said streets, lanes, avenues and alleys; to direct and regulate the planting, and to provide for the protection and preservation of ornamental trees therein;

Cumbering of streets, etc.

Ninth, To require any horse, horses, mules or other animals attached to any vehicle or standing in any of the streets, lanes, alleys or public grounds or places in said city to be securely fastened, held or watched, and to prevent and punish horse racing and immoderate driving or riding in any street, lane or alley, and to authorize the stopping and detaining any person who shall be guilty of any immoderate riding or driving in any street, lane or alley;

Horses and horse racing, etc.

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said city, and to regulate the use and speed of locomotives, engines and cars upon the railroads within said city, and to compel the railroad companies, their officers, agents, managers and employes to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens or other persons;

Railroad grades, etc.

Eleventh, To restrain and punish drunkards, vagrants, mendicants and street beggars soliciting alms or subscriptions for any purpose whatever;

Drunkards, etc.

Twelfth, To regulate or prohibit bathing in any public water, to provide for clearing the rivers, ponds and streams in said city, and the races and canals connected therewith of all driftwood and noxious matter, and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive;

Bathing, etc.

Thirteenth, To establish and regulate one or more pounds and to prevent the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and

Pounds, etc.

- sale of the same for the penalty incurred, and the costs of keeping and impounding;
- Dogs, etc.** *Fourteenth*, To prohibit and prevent the running at large of dogs, to require them to be muzzled and to authorize their being killed when running at large in violation of any ordinance of the common council, and to prohibit any person from placing, exposing or administering any poison to any dog or other animal not his own, and to punish such person for so doing;
- Unwholesome substances, etc.** *Fifteenth*, To prohibit any person from bringing into or depositing in said city any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction of the same; and if any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind and shall neglect or refuse to authorize the removal or destruction of the same, the same may be done by some officer of said city;
- Clearing side-walks.** *Sixteenth*, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions;
- Ringling bells, etc.** *Seventeenth*, To prevent or regulate the ringing of bells and the crying of goods and other commodities, or other disturbing noises on the streets, lanes or alleys, or in any public place or on or in private property adjacent thereto;
- Powers and duties of policemen, etc.** *Eighteenth*, To prescribe the powers and duties of the policemen and watchmen, and to impose fines and penalties for their delinquencies, and to require them to be uniformed, and to fix their compensation;
- Street line encroachments.** *Nineteenth*, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars;
- Graveyards, etc.** *Twentieth*, To regulate all graveyards in the city, and the burial of the dead;
- Markets, etc.** *Twenty-first*, To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys, or public places in said city, and to prescribe the places for selling the same;
- Reservoirs, wells, etc.** *Twenty-second*, To establish, regulate, and preserve public reservoirs, wells, and pumps, and to prevent the waste of water; and, also, to construct reservoirs and wells, and to provide water and water-works for the extinguishment of fires and for other purposes;
- Carmen, etc.** *Twenty-third*, To prescribe rules to govern and to license carmen and their carts, draymen and their drays, hackney carriages and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the city treasury for license; to prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, drays, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, produce, and other property exposed for sale in said city;

Twenty-fourth, To regulate the soliciting of guests for hotels or other places, and passengers and others to ride upon any railroad, boat, street car, omnibus, or stage; Solicitors for hotels.

Twenty-fifth, To regulate the lighting of the streets, alleys, and public places, and the protection and safety of the public lamps, and to employ a suitable person to superintend the same, to prescribe his duties, and to fix his compensation therefor; Lighting of streets.

Twenty-sixth, To regulate, restrain, or prevent hawking and peddling in the streets, lanes, alleys, and public places, and to regulate pawn-brokers; Peddling, etc.

Twenty-seventh, To prescribe the duties of all officers appointed by the mayor, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not herein or otherwise provided for by law; Duties of appointed officers.

Twenty-eighth, To fill up, level, or drain any lot or premises, whenever the common council shall deem it necessary; to abate, prevent, or remove any nuisance, and to assess the cost and expenses thereof on said lot or premises, or on the district to be benefited thereby, in the same manner as other special assessments may be made, enforced, and collected; Drainage, etc.

Twenty-ninth, To fix and regulate the fees of sheriffs, constables, jurors, and witnesses, in any proceeding under this act, or under any ordinance of the common council, in cases not herein or otherwise fixed or regulated by law; Fees of sheriff, etc.

Thirtieth, To provide for public parks and squares, make, grade, improve, and adorn the same, and all grounds in said city belonging to, or under the control of said city, and to control and regulate the same, consistently with the purposes and objects thereof; Public parks, etc.

Thirty-first, To sell or otherwise provide for disposing of all dirt, filth, manure, cleanings, lying in or gathered from streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving, or otherwise improving the same; Disposition of dirt, etc.

Thirty-second, To provide for and regulate the lighting of public lamps, and the erection of lamps and lamp posts, and suitable hitching posts; to regulate the erection and maintenance within the streets of said city of poles and wires for telegraph, telephone, electric light and other purposes; to prohibit all practices, amusements and doings in said streets, lanes, alleys, public places, parks and grounds, having a tendency to frighten teams and horses, or dangerous to life, limb or property; to remove or cause to be removed therefrom all wells, and structures that may be liable to fall, so as to endanger life, limb or property; Lamps, posts, poles, etc., dangerous amusements.

Thirty-third, To preserve quiet and order in the streets and other public places in said city, at the arrival and departure of railroad trains, and to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or places of public Depots, etc.

Lewd and
lascivious,
behavior, etc.

resort, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers and solicitors for passengers or baggage with their drays, carts, cabs, carriages, sleighs or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage;

Thirty-fourth, To prohibit and prevent in the streets or elsewhere in said city, any lewd and lascivious behavior or indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books or devices, or any written or printed paper or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous or defamatory matter, and all indecent or obscene exhibitions and shows of any kind ;

Water-works.

Thirty-fifth, When and as warranted in so doing by the votes of the electors, as provided by law, to establish, and provide for the continuation, keeping up, and in perfect operation, a good and efficient system of water-works to supply the city and its inhabitants with wholesome water from such sources as selected, whether situated within or without the city limits;

Bridges,
sewers, etc.

Thirty-sixth, To establish, construct, maintain, repair, enlarge and discontinue within the streets, avenues, lanes, alleys and public places of said city, such bridges, culverts, sewers, drains and lateral drains and sewers, as the common council may see fit, with a view to the proper drainage and sewerage of said city ; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain. Said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations as shall be prescribed ;

Boundaries of
streets, num-
bering houses,
etc.

Thirty-seventh, To survey and establish the boundaries of the city, and of all streets, avenues, lanes, alleys, public parks, grounds, squares and spaces in said city ; to prevent and remove all encumbrances and encroachments upon the same by buildings, fences, or in any other manner, and to number the buildings ; and to assess and collect the expense of such numbering of the owner or occupant ;

Health of city.

Thirty-eighth, To provide for the preservation of the general health of the inhabitants of said city ; to make regulations to secure the same ; to prevent the introduction or spreading of contagious or infectious diseases ; to prevent and suppress the causes of diseases, generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties ;

Houses of ill-
fame, etc.

Thirty-ninth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses, and disorderly groceries ; to restrain, suppress and punish the keepers thereof, and of persons found therein ; to punish and restrain common prostitutes, vagrants and drunken and disorderly persons ; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing

or attempting to manage, use or practice the same, and all persons aiding in the management, use and practice thereof;

Fortieth, To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables, or other articles of food and provisions; and to punish all persons who shall knowingly sell the same, or offer, or keep the same for sale; Unsound meat, etc.

Forty-first, To prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; Violation of Sabbath.

Forty-second, To secure said city and its inhabitants against injuries by fire, thieves, robbers, burglars and other persons violating the public peace; Security of citizens against injury, etc.

Forty-third, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, remove, drain, cleanse, alter, re-lay or repair the same; Construction of cellars, etc.

Forty-fourth, To prohibit and prevent, within certain limits or districts in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene, and dangerous or explosive substances, slaughter-houses and yards, butchering shops, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of any from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; Location of tanneries, etc.

Forty-fifth, To prescribe, from time to time, limits or districts within said city, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts, and the material of which the outer walls and roofs shall be constructed and repaired with respect to protection against fire; to prohibit and prevent the removal of wooden or frame buildings from any place without or within such limits to any lot or place within such limits or district; Fire limits.

Forty-sixth, To regulate or prohibit within such limits or districts the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material in other places, when, Location of lumber yards, etc.

in the opinion of the common council, the danger from increased; and every building or structure which may be placed or enlarged, or kept in violation of any ordinance or regulation of the common council made for the prevention of fire is hereby declared to be a nuisance, and may be abated or removed by direction of the common council;

Fences, walks, chimneys, fires, etc.

Forty-seventh, To regulate the construction of division fences, and of partition and parapet walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens and the setting up of stoves, stove-pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fire; to prohibit and prevent the burning out of chimneys and fire-places; to compel and regulate the cleaning thereof, and the fees therefor; to compel and regulate the construction of ash-houses or depositories for ashes; to compel the owners of houses and other buildings to have scuttles in the roofs, and steps or ladders leading to the same; to authorize and empower the proper officers to enter into all buildings, enclosures, to discover whether the same are in a dangerous condition, and to cause such as are in a dangerous state to be put in a safe condition, and to punish any person for neglecting or refusing to do; to authorize any of the officers of the city to keep away or suspicious persons away from the vicinity of fires, and to compel all officers of the city and other persons to aid in the extinguishment of fires, and in the preservation of property from danger therefrom;

Fire department, its organization, government, etc.

Forty-eighth, To establish, regulate and maintain a fire department, and to provide for the prevention and extinguishment of fires; to establish, organize, regulate and maintain all steam engine, hook and ladder, and hose and bucket companies which may be deemed necessary; to provide such companies with necessary and proper buildings, engines and other implements and things necessary to prevent and extinguish fires; to select from among the inhabitants of said city such number of men willing to accept as may be deemed necessary for the proper to be employed as firemen, not exceeding one hundred for each company; and such fire, hose and hook and ladder companies shall each have the power to elect their officers, except chief and assistant chief engineer, and to make by-laws for the organization and government of their respective companies: *Provided however,* That the common council may adopt rules for the organization and government of said companies, which shall take precedence over the by-laws of said companies. The common council shall appoint a chief and assistant chief engineer. Every person belonging to any of said companies may obtain from the recorder a certificate of such membership which shall be evidence thereof; and the members of any such company, during their continuance as such, shall be exempt from duty in the militia in time of peace, and also from serving on jury in any of the courts of this State, or payment of poll tax.

Proviso as to powers, duties and exemptions of firemen, etc.

shall be the duty of each of said companies to take reasonable care of the fire-engines, hose-carts, hose, ladders, buckets and other instruments and things used by said companies respectively, and in no case, by wrongful act or neglect, doing or permitting injury thereto; and upon any alarm or breaking out of any fire within said city, each company shall forthwith assemble at the place of said fire, with the engine or other implements of each of said companies, and be subject to the orders of the chief engineer of the fire department; and it shall be the duty of each of said companies to assemble once in each month, or as often as may be directed by the common council, for the purpose of working or examining said engines and other implements with a view to their perfect order and repair, and for practice;

Forty-ninth, To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat, private house, railroad or other place; also, draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation; Relative to
draymen, etc.

Fiftieth, To license and regulate auctioneers, hawkers, peddlers and pawnbrokers, and to regulate auctions, hawking, peddling and pawnbrokerage; to license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever, by hand, hand-cart, show case, show stand or otherwise, in the public streets, lanes, alleys, and public places; Auctioneers,
etc.

Fifty-first, To prohibit and prevent, or license and regulate the public exhibition by persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen and shows of any kind; and to license and regulate halls, opera houses, rinks and other places of public amusement; Exhibitions,
etc.

Fifty-second, To regulate the keeping of hotels, taverns and other public houses, groceries, ordinaries, saloons and victualing and other houses or places for furnishing meals, food or drink; to regulate butchers; to license, regulate or suppress hucksters; to regulate the keepers of shops, stalls, booths or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food and provisions; to regulate the measuring of wood, weighing of hay and gauging articles to be measured, inspected, weighed and gauged; Hotels,
butchers,
weighers, etc.

Fifty-third, To provide for taking a census of the inhabitants of the city whenever the common council may see fit, and to direct and regulate the same; to erect and provide for the erection of all needful buildings and offices for the use of the city or of its officers, and to control and regulate the same; to establish and build prisons, work-houses and houses of correction, for the confinement of offenders, and to control and regulate the same; Census.

City buildings,
etc.

Forty [Fifty] fourth, To provide for the imprisonment and confinement in said prisons, work-houses and houses of correction, or Prisons and
prisoners.

Punishment of offenses, etc.	in the common jail of Calhoun county, at hard labor or otherwise, all persons liable to be imprisoned under this act, or any ordinance of the common council, whenever convicted of a violation thereof, by any court having jurisdiction of the same;
Limit of punishment.	<i>Fifty-fifth</i> , To provide for the punishment of all offenders for violations of, or offenses against this act or any ordinance of the common council, enacted under this or any other act of the Legislature, by holding to bail for good behavior, by imposing fines, penalties, forfeitures and costs, or by imprisonment in the common jail of Calhoun county, or any prison, work-house or house of correction in said city, or the State house of correction at Ionia, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty or forfeiture, with the costs, be imposed, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding six months. All punishments for offenses against the ordinances of the common council, shall be prescribed in the ordinances creating or specifying the offense to be punished, and no penalty, fine or forfeiture so prescribed shall exceed five hundred dollars, and no imprisonment shall exceed the period of six months;
Employment of prisoners, etc.	<i>Fifty-sixth</i> , To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of Calhoun county, or in any prison, work-house, or house of correction of said city, at work or labor, either within or without the same, or upon the streets, lanes, alleys or public grounds of said city, or on any public work under the control of the common council; to allow any person so confined for the non-payment of any fine, penalty, forfeiture, or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;
Licenses.	<i>Fifty-seventh</i> , To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued and revoked, and to prescribe the amount of money to be paid therefor to the city treasurer, but no license shall be granted for more than one year;
Limit of license. Printing, etc.	<i>Fifty-eighth</i> , To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as the common council may prescribe;
Purchase, etc., of real estate.	<i>Fifty-ninth</i> , The common council shall have power, by the vote of two-thirds of all the aldermen elect, to purchase, hold or sell real estate for the use of said city, for corporate or cemetery purposes, either within or without the corporate limits of said city, and to have and exercise the same power and control over the same as though the same was within the limits of said city.
Board of public works.	SEC. 12. There shall be a board of public works in said city. It shall consist of five good and competent men who are electors therein. They shall be appointed by the mayor, subject to the

approval of a majority of all the aldermen elect. The full term of a member shall be five years; but the members shall be subject to classification in such manner that one term will expire in each year. Appointments for full terms shall be made on the third Monday in April of each year, or as soon after such day as may be. Members shall hold over and execute the duties of the office until appointees to succeed them qualify and are ready to enter upon their duties. Every member as soon after appointment as may be, shall take the oath of office prescribed for city officers; and within such time as shall be fixed therefor by the common council, execute to the city, and file with the recorder, a bond in such sum as the common council shall order, and with sufficient surety or sureties to be approved by the mayor, conditioned for the faithful performance by such member of the duties of the office. In case of vacancy caused by death, resignation, removal from the city, or otherwise, an appointment for the unexpired term shall be made with as little delay as possible, and in the same manner as appointments for full terms; and any such appointee shall, within such time as the common council shall fix, take the like oath and execute and file with the recorder the like bond required of members appointed for full terms. No member of said board shall hold any other office under the charter of the city during his continuing as a member of the board; and his election or appointment to and acceptance of any other office shall be deemed a resignation of membership in the board. Any member may be, at any time, removed by the mayor, for official misconduct, or the unfaithful or inefficient performance of his duties. But no such removal shall be made until six days' notice of the charge preferred shall have been given to such member, with an opportunity for making his defense, nor unless his removal is voted for by at least two-thirds of all the aldermen elect. The members of the board may elect from their number a president, secretary and treasurer, who shall hold during the pleasure of the board. The board shall keep an office in the city, with such furnishings as shall be necessary, and business shall be conducted upon the joint conference and consultation of not less than three members attending in session. Written minutes of the proceedings of the board shall be kept, and all resolutions, orders, rules and directions passed and adopted by the board shall be correctly entered at length and preserved in books of record, and the same shall be open to the inspection of the mayor, aldermen, city attorney, recorder and treasurer. All papers and documents of importance relating to the duties or business of the board, and not belonging elsewhere, shall be filed and preserved in the office of the board. The board of public works which is now acting in the city is hereby declared to be legal, and none of its proceedings shall be impaired or impeached upon any objection against the validity of the act under which it was formed; nor shall they be questioned in point of regularity if found to be in substantial conformity with the actual import of such act. Said board, with its existing membership, is

Term of and
time of appoint-
ment.

To take oath
and file bond.

Filling
vacancies.

Members of,
not to hold
other office.

How may be
removed.

Officers of
board.

Office of.

Minutes of.

Where filed.

Present board
declared legal,
etc.

Shall continue
in office.

Board may
employ agents,
etc.

Contracts of
board.

Board to have
charge of con-
struction, etc.,
of waterworks,
sewers, etc.

Board to sub-
mit plans,
estimates, etc.

If council
approve, board
to construct,
etc.

Proviso as to
contracts.

Further
proviso.

Proviso as to
collusion be-
tween bidders.

adopted as the board provided for herein, and it shall be and continue to be the board of public works of the city, but subject in all things to the provisions hereof. The membership shall be kept up as above provided by annual appointments for full terms and special appointments to fill vacancies. The board may appoint and employ such agents, experts, engineers, mechanics, clerks, workmen and laborers as it shall find necessary for the due discharge of its duties, and define their duties and fix their compensation to be paid by the city. All contracts made pursuant to law by the board shall be obligations of the city.

SEC. 13. The construction, alteration and repair of all city water-works and sewers shall be carried on, supervised and managed by the board of public works, and all constructed water-works and sewers of the city shall be controlled, superintended and managed and kept in due repair and order by said board. And to enable it to discharge its duties herein the board may lay water pipes and sewer pipes in public streets and public grounds and repair and renew the same when necessary, and may also construct, maintain and repair reservoirs, water-works, buildings, machinery, engines, pipes, jets, pumps and fountains, when it shall find the same to be needful.

SEC. 14. If the common council shall at any time decide to construct new or additional water-works, or to enlarge or extend those in process of construction, or shall decide to construct or enlarge or extend any sewer or sewers, it shall be the duty of the board of public works, on a resolution of the common council therefor, to submit to the latter suitable and expedient plans with the requisite specifications, diagrams and plain and accurate estimates therefor. The common council upon its approval of said plans, specifications, estimates and diagrams, shall by resolution direct the board of public works to provide all things necessary and proceed to the said work by itself; and in that case said board shall go on and comply with said directions and in such manner as will be most for the interest of the city: *Provided*, That if the common council shall deem it better for the interest of the city to have the work done and things needed for the same supplied by contract effected under biddings called out by advertisement, it shall by its said resolution direct the board of public works to advertise in such manner as the resolution shall prescribe for bids, and to let the doing of the work, including the finding of all things to be found by the contractor, to the lowest responsible bidder, who shall give adequate security for performance under the supervision and direction of the board; and it shall be the duty of the latter to carry out said resolution without unnecessary delay: *Provided*, That the common council may in such resolution direct the board of public works to provide materials and construct any portion of said work, and to contract as above for the finding of materials for and constructing other portions of such work as the common council may direct: *Provided further, however*, That in case of any bidding, as aforesaid, when the board shall be satisfied that collusion has existed between bidders,

or between bidders and others, or that any other practice has occurred against the interest of the city, or that a present letting is not advisable, it shall be competent for the board to cancel the offer for bids, and no such cancellation shall bring any liability on the city or on the board.

SEC. 15. On the last Monday in each month the board shall report to the common council such progress as shall have been made in the construction, alteration or repair of any work under-going construction, alteration or repair under the supervision of the board, and the general state and condition of such works, and such reports shall include specific statements of the sums which shall then be owing and payable by the city on account of any such construction, alteration or repair, and any sum or sums thus owing and payable by the city on any contract or contracts performable under the supervision of the board. Said reports shall be certified by a majority of the board. And thereupon it shall be the duty of the common council without unreasonable delay to order payment from the proper funds of the sums so reported.

Monthly report of board, what to contain.

To be certified to.

SEC. 16. For the purpose of carrying out the plan of water-works now being executed, or any future alteration or new plan which the common council shall approve and any plan of sewerage having the approval of the common council, the latter shall have power to purchase, take and hold in the name of the city such real estate situated within or without the limits of the city as shall be necessary to secure a sufficient supply of wholesome water for the water-works, and all needful sewer outlets, and to afford necessary room for the construction and accommodation of such water-works and sewers and their appurtenances, and all structures, erections and appliances necessary in connection therewith. In case said council is or shall be unable to agree with the owners for the purchase of any land so required, it shall proceed to obtain condemnation of the same for such public use pursuant to the provisions for such purpose in this charter: *Provided*, That the entire damage and compensation for land taken hereunder shall be paid by the city.

Council may purchase lands for certain purposes.

May condemn if unable to agree with owner.

Provided.

If the source of supply of water for any water-works of the city shall be insufficient, it shall be lawful for the city to feed or increase it so far as requisite to afford an adequate supply, by diverting and conducting thereto or turning therein so much as shall be necessary of the water of any springs, fountains, ponds, lakes, rivers, creeks, or other streams or of any or either of them so situated that the place where the water shall be so diverted or the bank tapped to conduct it away, is not more than five miles from said source of supply. And in such case the city may enter on any lands, streets, highways, public or private roads, or passage ways, or any public grounds through which it may be necessary to conduct or pass such water, and may appropriate, take, apply and devote such water to said use and purpose, and may lay down, put in or create or make in said lands, streets, highways, public or private roads or passage ways or in any public grounds all such pipes, conduits, channels or canals or aqueducts

City may divert stream, etc., within 5 miles of city.

City may conduct water through private grounds, etc.

May enter any lands for purposes of examination or survey.

Board of public works to cause accurate survey and maps to be made, etc.

Where filed
How city may acquire rights.

Board to cause sewer plans to be made.

Where filed.

Plan of sewer.

District No. 1.

To be submitted with estimates, etc., to council.

Cost of construction, how paid.

and other works as shall be fit and proper for said purpose, leaving such lands, streets, highways, roads, passage ways and public grounds in the same condition as nearly as may be as they were before. For the purpose of a preliminary examination and survey, the city, by its board of public works and such assistants as the board may employ, may go on and over any lands which the board in view of this object may deem it fit and prudent to examine prior to the adoption of any lines. But before any lands shall be entered for any further purpose than such preliminary examination, the board of public works shall cause to be made an accurate survey and map of the land intended to be taken, and showing the line or lines along which it is intended to convey or take the water, and describing with reasonable certainty the mode in which it is intended to take or convey it, and which survey or map shall be signed by the surveyor or engineer making the same, and by a majority at least of the members of the board of public works, and filed in the office of the county clerk. In case the city shall not be able to agree with the owner or owners or parties having estates or interests, for the purchase of any such property rights, privileges or easements necessary for said purpose, the city shall have the right to acquire the same in the manner prescribed in the charter for obtaining private property for other public uses.

SEC. 17. Whenever said board shall be directed to submit plans and specifications for sewers or drains to said common council, they shall cause to be prepared by some competent engineer a diagram and plot of so much of said city as in their opinion will require sewers, showing the streets, public grounds and lots, the location of the sewers and the depth, grade, and dimensions thereof, which diagram and plot, upon being approved by the common council, shall be kept and filed in the office of the board of public works, and constitute a permanent plan to which all subsequent sewers shall conform, until changed by the unanimous vote of all the aldermen elect. The board shall then cause another plot to be made according to the above plan, of so much of said city as may be proposed to be then provided with sewers, and which shall include, as nearly as may be, the entire business portion of said city, and the extension of the main or trunk sewers to some convenient point of discharge, and the portion of said city so included shall be known as "Sewer district No. 1." When such last mentioned plot is completed, it shall be submitted, with specifications and estimates, to the common council for approval, and upon the approval of the same, the said council may, by resolution, order the construction of the same in the manner specified in section fifteen above. The cost of constructing the sewers in said district shall be paid as follows: So much of the main or trunk sewer as lies outside of said "District No. 1," or is not within the limits of any street in said district, shall be paid for by the city. The cost of constructing the sewers through the remainder of said district shall be kept and determined for each street by itself in separate account, and one-half of such cost for each street shall be paid by the

and the remaining one-half thereof be paid by the owners of property abutting upon said street, in proportion to the valuation of the same. Corner lots shall pay only for their share on the street on which the lot fronts. One-half the cost of constructing said sewers on each street shall be furnished by the board to the assessor of said city on or before the first day in July of each year, and said assessor shall assess the property abutting on said streets respectively, in proportion to the assessed valuation thereof, and place the same in a separate column in his roll under the head of "Sewer tax," and such amounts shall constitute a part of the city tax, and be collected in the same manner, and with the same remedies as other city taxes. The cost of sewers at the intersection of streets shall be paid by the city.

One-half cost to be furnished by board to assessor; duty of assessor.

18. Whenever it is deemed necessary to form other sewer districts, the same may be done in the same manner as above provided.

Formation of other sewer districts.

19. The owners or occupants of lots or premises on streets where sewers so constructed therein shall have the right to connect private drains or sewers therewith, at their own expense, subject to such rules as the board of public works may prescribe, and the common council shall, if the public health at any time require, have power to compel such owners or occupants to do so, and impose the penalties for not doing so.

Connecting private drains with public sewers.

20. Said board of public works shall annually, on the first Monday of April, fix and determine the water rates for the year then next ensuing, and said rates shall be based, as nearly as may be, upon the amount of water used; such water rates shall, after the fixing of the same, be a continuing lien upon the premises on which the water is used and charged, and the owners or occupants of the premises against which such rates are assessed shall pay the same to the board at such time in advance, at such time or times as the board may determine, and in case of default in such payment the board may enforce the same by an action of assumpsit on the common counts in the name of the city, before any court of competent jurisdiction, and shall shut off the water until the same is paid.

Board to fix water rates.

21. The common council shall establish a fund to be known as the "Water-works fund," and a fund to be known as the "Sewer fund." The water-works fund shall consist of all fines and penalties paid, all fines and penalties collected by the board of public works on account of the water-works, and such sums as may be appropriated by the common council from the general fund, or from the annual city tax, or that may be received from the sale of water-works bonds. The sewer fund shall consist of all fines and penalties collected on account of the amounts collected from property owners as their proportion of the expense of construction, and such sums as may be appropriated from the general fund or city tax that may be received from the sale of sewer bonds.

To receive payment of water rates and may collect.

Council may establish certain funds. Water fund.

Sewer fund.

22. On or before the fourth Monday in June, or as soon

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Board of public works to submit annual estimates to council.

Duty of council.

Board to pay over water rate moneys monthly, etc.

Council may place control of works under management of board.

Council to have charge and control of sewers, etc.

Penalty for polluting waters, etc.

Penalty for tapping reservoirs, etc., or in juring sewers, etc.

thereafter as may be, in each year, the board of public works shall submit to the common council careful estimates in detail of the amount of money which, according to the judgment of the board will be needed for the water-works fund and the sewer fund during the ensuing year. And thereupon the common council shall so replenish said funds, either from money on hand in the city expense fund, or from money received therein in due season afterwards, or by tax in the general levy of the then current year, as to make them sufficient to meet said charges so estimated as likely to come against them.

SEC. 23. It shall be the duty of the board of public works to monthly pay into the city treasury to the credit of the water-works fund, all moneys received by them for water rates or from any other source on account of water-works, and file a detailed statement thereof, certified by a majority of the board, with the recorder, and shall make such other reports and statements as the common council may by resolution or ordinance require.

SEC. 24. The common council may, at any time, by a vote of two-thirds of all the aldermen elect, place the grading or paving of any street, or the construction of any bridge or public building or public work in said city under the management and control of the board of public works.

SEC. 25. The common council shall enact and enforce, according to the provisions of this charter, all necessary and proper regulations by ordinance or otherwise, for the protection and preservation of all public sewers and drains, and their appurtenances within the city; and shall also enact and enforce reasonable regulations in regard to connections with any such sewers or drains.

SEC. 26. If any person shall willfully commit or cause to be committed any act by which anything provided or used within or without the limits of the city under the authority of the city, or of some board, officer, or agent thereof for the purpose of supplying, or helping to supply the city and its inhabitants with wholesome water, shall be in any manner injured or rendered less fit and serviceable for its purpose, either permanently or for the time being, or shall willfully pollute the water at or near the source of supply, or any water already taken from said source and contained in any of the works, or shall willfully put or cause to be put into any part of said works any deleterious article or substance, shall be guilty of a criminal offense and be punished on conviction by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment for not less than thirty days nor more than three years, or by both such fine and imprisonment, in the discretion of the court.

SEC. 27. If any person shall without the authority or permission of the board of public works, shown either by their written order or resolution or the express sanction of some one or more of the agents of said board empowered to give such sanction, perforate, bore or tap, or cause to be perforated, bored or tapped, any reservoir, distributing pipe or main belonging to the water-works of

y; or make or cause to be made any connection or connection whatever with said reservoirs, pipes or mains; or dig injuriously disturb or molest the same; or shall injuriously or interfere with such portion of any sewer as shall be outside the limits of the city; he or she so doing shall thereupon be subject to a fine of not more than fifty dollars or imprisonment not to exceed thirty days, and the costs of prosecution, the prosecution for any such misdoing shall be in the name of the city of Battle Creek, and may be instituted and conducted by the city clerk before any justice of the peace of said city.

28. Any willful interference with any part of the water-works of the city or with anything required or used therewith, whether within or without the city limits, with intent to hinder, obstruct, impair, diminish, or interrupt a supply of water to put out or stay any particular fire or any fire in general, shall be a misdemeanor, and any person found guilty thereof shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, or by imprisonment in the State prison at hard labor for not less than one year nor more than five years, or by both fine and imprisonment in the discretion of the court.

29. Whenever there may be a surplus in the "Water fund," or "Sewer fund," beyond the current needs of said fund, the same may, in the discretion of the common council, be applied to the payment of principal or interest upon water-works or bonds indebtedness respectively.

30. The foregoing provisions in regard to the establishment, construction, government and management of water-works shall be subject to the conditions and regulations in this charter provided, that the assent of the electors shall first be obtained for the adoption of such works. And in all cases the final adoption of plans for water-works and sewage, and plans for the extension of the same, shall rest with the common council, but the execution thereof, including all details, shall devolve on the board of public works. Upon the breaking out of any fire in said city, the board shall immediately repair to the place of such fire, and shall assist as well in extinguishing the fire as in preventing damage to goods or property from being stolen or injured, and in procuring removing and securing the same; and for which purpose, the chief of police, and the mayor, recorder and any alderman, shall require the assistance of all bystanders, and in pursuance of such requisition, the marshal shall, in all respects, be obedient to the orders of the recorder and aldermen, or either of them, or such of them as may be present at such fire; and in case any bystander shall refuse or neglect to comply with such requirements, he shall be punished in the manner provided in the by-laws or ordinances of the common council, who are hereby authorized to make such by-laws and ordinances in relation thereto as they may deem necessary.

31. The common council shall have full power and authority to provide for and to call meetings of the electors of the city; to fix and establish the grades of streets and sidewalks,

Penalty for interfering with waterworks in time of fire.

Surplus water or sewer funds, how used.

Certain provisions subject to charter regulations.

Correlative duties of council and board of public works.

Duty of marshal in case of fire.

Who may require assistance.

Punishment for refusing assistance.

Power of council relative to meetings of electors, to establish grades, etc.

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and to make all such other by-laws and ordinances as they may deem necessary and proper for the safety, order and good government of said city, and to promote the prosperity and improve the condition of the inhabitants thereof, not inconsistent with the laws and constitution of this State, and the constitution of the United States.

Power of council to prescribe fines, imprisonment, etc.

SEC. 32. Where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe fines, penalties or forfeitures, not exceeding five hundred dollars (unless the imposition of a greater penalty, fine or forfeiture be herein otherwise expressly provided) for a violation thereof; and may provide that the offender or offenders, on failure to pay the fines, penalties or forfeitures imposed, within a time to be fixed therefor, shall be imprisoned in the common jail of Calhoun county, or in any city prison, work-house or house of correction, or in the State house of correction at Ionia, until the payment thereof, for any term not exceeding six months, which said fines, penalties and forfeitures may be sued for and recovered with costs in the name of the city of Battle Creek, which said suit may be commenced on making and filing a complaint on oath, by warrant, in any court of said city having jurisdiction. Any person charged with any offense under this act, or with the violation of any provision of any ordinance may, on the trial thereof, on his own request, be sworn as a witness, or in lieu thereof, at his option, may make a statement in the same manner and with like effect as in criminal trials under the general laws of this State.

Fines, etc., how collected.

Persons charged with offense may be witnesses.

Publication of by-laws, etc.

SEC. 33. No by-law or ordinance shall be of any effect until the same shall have been published, at least once in each week for two successive weeks, in at least one newspaper printed and published in said city, unless otherwise directed by the vote of two-thirds of all the aldermen elect at the time of its passage.

By-laws, etc., may be read in evidence.

SEC. 34. All by-laws, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body, or board in which it shall be necessary to refer to the same, either,

From a record.

From certified copy.

From volume.

First, From a record thereof kept by the recorder; or,
Second, From a copy thereof certified by the recorder, with the seal of the city affixed thereto; or,

Third, From any volume of by-laws and ordinances purporting to have been printed by authority of the common council, and such record, certificate, copy, or printed volume shall be *prima facie* evidence of such by-laws, ordinances and proceedings, without other proof of the enactment thereof, publishing or any other thing concerning the same.

Power of sheriff and deputies of Calhoun county and constables, etc., of city of Battle Creek.

SEC. 35. The sheriff, under sheriff, and the general deputies of the sheriff of the county of Calhoun, the constables of the city of Battle Creek, the marshal, assistant marshal and policemen of said city shall have and are hereby vested with power and authority to serve or execute any process of any court in any suit, action, prosecution, or proceeding for a violation of any of the by-laws or ordinances of the common council of said city, or arising under this act, except as otherwise provided in this act.

SEC. 36. The common council shall have the power, in their discretion, to pave, gravel, macadamize, or plank any street, lane, or alley, or to repair the same, to construct, reconstruct, or repair sidewalks and crosswalks; to construct and keep sewers in repair; to grade streets, lanes, alleys and public places; to fill up, level, or drain places rendered unhealthy from the want thereof; to clean and keep any streets, lanes, sidewalks and crosswalks free from dirt, snow, ice, or other obstruction, at the expense of said city, by a vote of two-thirds of all of the aldermen elect voting in favor of the same, and to provide for doing the same by by-law, resolution, or ordinance.

Council to have power to pave streets, etc.

SEC. 37. The common council shall have, and are hereby invested with full power and authority to pave, gravel, macadamize, or plank any street, lane, or alley, to construct or reconstruct sidewalks, to construct sewers, to fill up, level, or drain places rendered unhealthy from the want thereof, by special assessment of the cost and expense thereof upon the owners of the property abutting upon and adjoining said improvement, according and in proportion to the benefits of said improvements to said property, and for that purpose to designate and describe districts in which such improvements shall be made, and upon which said assessments shall be made, and to provide by ordinance the manner of doing the same, and for assessing the cost and expenses thereof: *Provided however*, That no such improvement shall be made without the concurring vote of two-thirds of all of the aldermen elect. The amount of any such assessment shall forthwith be a debt to the city from the person to whom it was assessed and a lien upon the property assessed, and the lien for such amount, with all interest and charges thereon, shall continue until payment thereof. The common council may by ordinance authorize the treasurer of said city to collect such assessments, with the costs and charges of making the same, in the same manner and with the same powers and remedies as are or may be prescribed by law for the collection of city taxes. The common council may, in its discretion, require any such assessment to be paid or collected before the performance of the work for which such assessment was made. At the time of appointing members of the board of public works the mayor may, subject to the approval of two-thirds of all the aldermen elect, appoint some good and discreet freeholder of said city to be assessor of said city. Such assessor shall hold his office for one year and until his successor is appointed and qualified. He shall take the oath of office required of other city officers and shall give bond in the sum of five thousand dollars for the faithful performance of his duties, with sureties to be approved by the mayor. He shall be *ex-officio* a member of the board of supervisors of the county of Calhoun. All special assessments authorized to be made by this section and the ordinances passed in pursuance thereof, shall be made by said assessor. Said assessor shall receive such compensation as the common council may fix.

Idem.

Costs, how paid.

Proviso.

Assessment for, to be a lien.

Manner of collecting.

Assessor, appointment of.

Term of office.

Bond, etc.

Duties and compensation of.

SEC. 38. The common council shall have full power by the

Power of council to lay out streets, etc.

concurring vote of two-thirds of all the aldermen elect, to lay out, establish, open, extend, widen, straighten, alter, close, vacate, or abolish any highways, streets, avenues, lanes, alleys, public grounds or spaces in said city; also to obtain sites for public buildings for said city, and to lay through private property sewers and water-pipes; also to open private roads and alleys in said city whenever the said common council shall deem the same to be a necessary public improvement. Private property may be taken for public use for the purposes above mentioned, but the necessity of making such improvement, and the necessity for taking such private property for public use therefor, the just compensation to be made for the same, and the damage arising to any person from the making of such improvement, shall be ascertained by a jury of twelve freeholders residing in said city.

Private property may be taken for public use.

Proceedings of council relative thereto.

SEC. 39. Whenever the common council shall deem it necessary for the use and benefit of the public to make any such improvement, and to take private property therefor, said council shall, by resolution, so declare, which resolution shall describe the property proposed to be taken and designate the purpose for which it is to be used. Said resolution shall direct the city attorney to institute proceedings upon a day named therein, before some justice of the peace of said city to be therein designated, to carry out the objects of such resolution.

City attorney to petition justice.

SEC. 40. Upon the passage of such resolution by the common council it shall be the duty of the city attorney to prepare and file in the name of the city, upon the day fixed, with said justice, a petition signed in the name of the city by the city attorney in his official capacity, which shall allege the passage of said resolution and have attached a copy thereof certified by the recorder. Said petition shall describe all the lots, tracts, and parcels of private property proposed to be taken, and set forth the names of the owners, occupants, mortgagees, lessees and others interested in such lots, tracts and parcels, respectively, so far as the same can be ascertained. Said petition shall set forth the improvement proposed to be made and shall allege that the same is necessary for the public use, and that it is necessary to take the private property proposed to be taken for the public use therefor; and shall pray that a jury may be impaneled to determine whether it is necessary to make such improvement, and if so, whether it is necessary to take such private property for the public use therefor, and if so, to ascertain and determine the just compensation to be paid therefor, and to assess and apportion damages and compensation awarded to and upon all the taxable property of said city.

What petition to contain.

Damages, how paid and collected.

SEC. 41. The damages and compensation awarded by the jury, and assessed as above, together with all the costs and expenses of the proceedings, shall be paid by the city and raised by a general tax to be levied and collected according to the provisions of this charter.

Justice to issue summons on receipt of petition.

SEC. 42. Upon receiving and filing said petition, it shall be the duty of said justice to issue a summons, forthwith, against the respondents named in said petition, "and all other persons

interested," stating the object of said petition, and commanding them, in the name of the people of the State of Michigan, to appear before said justice, at a time and place in said city to be named therein, not less than ten and not exceeding thirty days from the date of the same, to show cause, if any there be, why the prayer of said petition should not be granted.

SEC. 43. Said summons shall be served by the marshal or any constable of said city, at least five days before the return day thereof; if the respondents can be found in said city, it shall be served by exhibiting to each of them the original and delivering a copy thereof; but if the respondents or any of them cannot be found in said city, it shall be served by leaving a copy thereof at their respective residences, with some person of suitable age and discretion; and in case the respondents or any of them shall have no place of residence in said city, and shall not be found in said city, it shall be served by posting a copy of such summons on the premises; and before the return day of said summons a copy thereof shall be published in one or more newspapers published in said city for one week and on or before the return day of said summons, affidavits showing due service and publication thereof shall be filed with said justice. Summons, how served.

SEC. 44. If any person on whom said summons should be served is a minor under the age of fourteen years, or an idiot or person of unsound mind, and resides in said city, such service shall be made on his guardian, or if none, then on the person who has the care of, or with whom such infant, idiot, or person of unsound mind resides. In case of minor, etc.

SEC. 45. In case it shall appear to said justice that any person to be affected by the proceedings is an infant, idiot, or of unsound mind, and has no guardian, said justice shall appoint a special guardian to attend to the interests of such person in said proceedings, who shall receive such compensations from the city for such services as he may render, not exceeding ten dollars, on the certificate of said justice, as said justice shall deem fair and reasonable. In certain cases justice to appoint guardian. Compensation of.

SEC. 46. On the day and at the hour specified in said summons, or on some other day and hour to be appointed at that time by said justice, the said justice shall call the case and shall enter the appearance of all parties who appear in answer to said summons, and the default and appearance of those who do not answer, and, if no sufficient cause to the contrary is shown, shall make an order on his docket that a jury be empaneled to determine the necessity of making the improvement described in said petition, and of taking the private property therein described for public use therefor, and to fix, determine, apportion, and assess the damages and compensation therefor as hereinbefore provided; and thereupon the marshal of said city shall attend before the said justice, and shall write down the names of twenty-four disinterested freeholders of and residing in said city, who are qualified to serve as jurors, and who shall be approved by said justice, said marshal having been first duly sworn for that purpose. Proceedings on return of summons.

Venire, how issued.

Said justice shall then issue a *venire* directed to said marshal, commanding him to summon the said twenty-four persons to be and appear before said justice to serve as jurors in said matter, on some day to be named therein at a specified hour, which day shall not be less than three nor more than ten days after the issuing of said *venire*. The marshal shall serve said *venire* at least two days before the return day thereof, and make return in the same manner as in case of *venires* in civil cases before justices of the peace, and the persons thus summoned shall be bound to appear before said justice, and serve until discharged; and said justice shall impose a fine upon any juror failing to attend or serve, not exceeding five dollars for each day's non-attendance, or neglect to serve, to be imposed and collected with the costs in the same manner as for jurors' failure to attend or serve in civil causes before justices of the peace; but jurors may be exempted or excused from serving for the same reasons for which jurors in such civil cases may be exempted or excused.

Fine for failure to appear, etc.

Drawing jury.

SEC. 47. The names of the jurors in attendance and who do not claim to be exempt or are not excused from serving, shall then be written by said justice on separate slips of paper of equal size and appearance as near as may be, and be deposited by him in a box having a lid or cover. He shall then shake said box so as thoroughly to mix said slips of paper or ballots, and shall draw out impartially and openly so many of said slips or ballots containing names written thereon, one after another, as shall be sufficient to form a jury of twelve persons. In impaneling a jury the city shall be entitled to two, and the respondents collectively to four peremptory challenges and to such challenges for cause as said justice shall allow.

Impaneling jury.

Talesmen.

SEC. 48. If, in consequence of jurors being exempted, excused or set aside, there shall not be in the box any ballots, or a sufficient number of ballots from which to draw the jury, the marshal shall forthwith, under the order of the justice, summon such further number of freeholders of said city as said justice shall deem necessary, and may order them to be and appear before said justice forthwith, to serve as jurors, and the persons thus summoned shall be returned, be bound to attend before said justice and serve, and be competent to form the jury in the same manner and to the same effect as those first summoned.

Jury.

SEC. 49. The first twelve persons who shall appear as their names are drawn and called by said justice, or who appear as talesmen when all of the ballots have been drawn from the box, and who shall be approved by said justice shall be the jury, and they shall be sworn as follows: "You do solemnly swear, or affirm, that in the matter of the petition of the city of Battle Creek to (as the case may be) now pending before me, you will well and truly ascertain whether the same is a necessary public improvement, and if it is, whether it is necessary to take the lands described in said petition or any part thereof for public use for such improvement, and if you determine that it is necessary,

Oath.

then that you will ascertain, determine and award the just compensation to be made to any person therefor, and apportion and assess the same upon all the taxable property of said city, and will faithfully and impartially perform and discharge all other duties that may devolve upon you in this matter, and unless discharged by me, a true verdict give, according to the law and the evidence, so help you God." They shall go to the place of the intended improvement in charge of the marshal, and upon, or near as practicable to, any property proposed to be taken and described in said petition, and shall then return to the office of said justice and hear the proofs and allegations of the parties and the arguments of counsel. They shall be instructed by said justice as to their duties and the law of the case and shall then retire under charge of the marshal, who shall be first duly sworn for that purpose, and they shall render their verdict in the same manner as on the trial of an ordinary civil case.

Jury to go upon property, etc., in charge of marshal, etc.

Justice to instruct jury; verdict.

SEC. 50. The jury shall first determine in their verdict the public necessity for making the proposed improvement, and if they find such necessity, they shall next determine whether it is necessary to take any or all of the lands described in said petition for the public use for such improvement, and in case they find that such necessity exists, they shall award to the owners of such property such compensation therefor as said jury may deem just. If any such private property taken shall be subject to a valid mortgage, lease, or agreement, and the taking thereof for such purpose will impair such mortgage, lease, or agreement, the jury shall apportion and award to the mortgagee, lessee, or person interested in such agreement, such portion of the compensation allowed for such property as they shall deem just, and if there are any buildings or other movable property situated on any land taken, the jury may, at the written request of the owner, permit the same to be removed by the owner and allow him for the expense of the removal thereof, instead of damages for its value. Unless removed by the owner, as aforesaid, all buildings, fences and other fixtures taken by such proceedings shall become the property of the city, and shall be sold at auction by the city treasurer, after giving notice of such sale by publication for five successive days in the daily editions of official papers, and by posting notice thereof in three public places in said city. The proceeds of such sale shall be applied toward the payment of the damages to be paid by the city. The damages for taking any land belonging to the estate of any deceased person shall be awarded to such estate, and paid to the executor or administrator thereof, or if there be no such representative or he can not be found, such damages shall be deposited in the city treasury to the credit of such estate, and shall be paid to the person entitled to receive the same.

Jury to determine and award.

Certain buildings, etc., to become the property of city and be sold.

Proceeds of sale.

Damages, how disposed of when no representatives can be found.

SEC. 51. To assist the jury in arriving at the verdict, said justice may allow the jury when they retire, to take with them the petition filed in the case, and maps showing the proposed improvement, and the location and description of each and all

Jury to be allowed use of petition, maps, etc.

Form of verdict.

of the parcels proposed to be taken, with the names of all parties interested in such property, and may also submit to them a blank verdict, which may be as follows: "In the matter of the petition of the city of Battle Creek to acquire title to lands of.....

-----, for the public use for-----
We, the jury impaneled in the above matter, having given the same due consideration, do find and determine that the improvement proposed in said petition is necessary for the public use and benefit, and that it is necessary to take for the public use therefor such of the lands described in said petition as are hereinafter specified; and we do determine and award as damages and just compensation therefor the amounts hereinafter next set forth to the persons named:

Description of each Parcel to be taken.	Names of Owners and other Persons interested, to whom compensation is made.	Amount of compensation and damages.

Which said damages and compensation we do hereby assess upon all the taxable property of said city. We further find that it is not necessary to take the following described parcels, for such public use, to wit:-----

In witness whereof we have hereunto set our hands."

In case jury are unable to agree, new jury may be empaneled.

SEC. 52. If such jury should be unable to agree upon a verdict, or, for any cause, should fail to render a verdict, said justice shall, on the application of the city attorney, designate some day and hour when another jury may be empaneled; and such other jury shall be obtained, drawn, summoned, returned, bound to attend and serve, have the same qualification, be sworn, and when sworn, have the same powers and duties as the first jury. The same proceedings, after they are sworn, shall be had by them, and by and before said justice, as provided for above, after the first jury is sworn.

In case of death or inability of juror to serve.

SEC. 53. If any juror, after being sworn shall die, or from sickness or any other cause, be unable to discharge his duties as a juror, said justice may draw another person to serve in his place, who shall be sworn, and shall have the like qualifications, powers and duties, as those already sworn.

Justice to file and enter verdict on docket.

SEC. 54. On the rendition of a verdict by the jury, the justice shall file the same, and enter it upon his docket of the proceedings, and forthwith enter a judgment in accordance with said verdict.

Appeal.

SEC. 55. Any party to said proceedings considering himself aggrieved by said judgment, may appeal therefrom to the circuit court for the county of Calhoun, or to any other court having jurisdiction of appeals from justices' courts, or may remove the

same by *certiorari*, within the same time and in the same manner as from other judgments rendered by justices of the peace. Said justice shall make return to said appeal or *certiorari*, within the same time and in the same manner as in other cases.

SEC. 56. Said circuit or other court shall hear, try and determine said appeal or *certiorari*, and may affirm, reverse, or modify the judgments of said justice, but the same shall not be reversed for matter of form, nor for any errors, except errors of law, and only in regard to the appellant or appellants, or the person or persons, or party removing the same by *certiorari*. The court shall give judgment for reasonable costs and expenses to be taxed, in favor of the prevailing party, and in case of affirmation, the city of Battle Creek shall be allowed to apply the costs and expenses so taxed in its favor on and to be deducted from the damages and compensation, if any, to be paid to the party or parties so appealing or removing said proceeding by *certiorari*, and to have execution for the balance, if any there should be, as in other cases.

Circuit court to hear, try, etc.

Judgment for costs, etc.

SEC. 57. In case of the reversal of the judgment of the justice, the common council, in behalf of said city, may, by resolution, elect to pay the damage [damages] and compensation claimed by said appellant or appellants, or by the party or parties removing said proceeding by *certiorari*, and if the judgment of said justice be affirmed by said circuit or other court, such confirmation shall be final and conclusive as to all persons interested therein. The judgment of said justice shall be final, except as to the party or parties appealing therefrom or removing said proceedings by *certiorari*.

In case of reversal of judgment council may elect to pay damage, etc., confirmation to be final.

SEC. 58. Within sixty days after final judgment, the common council shall pay or tender to the respective persons entitled thereto, the several amounts of damages and compensation awarded to them, as above provided for, to be paid by the common council, and in case any person shall refuse the same, be unknown, or a non-resident of said city, or for any reason incapacitated from receiving his or her amount, or the right thereto be disputed or doubtful, the common council may deposit the amount awarded in such case or elected to be paid by the common council, in the treasury of the city, to the credit of any person entitled thereto, and shall, on demand, pay the same over to any person competent and entitled to receive it.

Payment of judgment by city.

SEC. 59. Upon such payment, tender or deposit, the common council may enter upon, take possession of, and convert the private property found necessary to be taken by said verdict to the public use for the purposes for which it was taken. The city treasurer shall make on oath, a certificate of his action in making such tender, payment or deposit, and file the same with the recorder. Whenever such judgment shall become final it shall be the duty of the recorder to procure a certified copy of the docket of said justice, and file the same in the recorder's office. Said recorder shall then record the certificate of the treasurer and the certified copy of the docket at length in a book

When city may take possession of property.

Duty of recorder.

to be provided, used and known as the "Book of street records," a certified copy of which record shall be deemed and considered evidence in all courts and places of the matters therein contained and of the regularity of all proceedings from the commencement thereof, to and including the final judgment.

Compensation
of jury.

Power to dis-
continue pro-
ceedings.

Powers and
duties of mayor.

SEC. 60. The common council shall pay said jury before the justice such compensation for their services as is paid to jurors in justices' courts; and they shall have the power to abandon or discontinue such proceedings at any time before final judgment.

SEC. 61. The mayor of said city shall be the chief executive officer thereof. It shall be his duty in addition to the other requirements of this act, to see that all the officers of said city faithfully comply with and discharge their official duties, to see that all laws pertaining to the municipal government of said city, and all ordinances and resolutions of the common council be faithfully observed and executed. He is also hereby authorized and empowered generally to administer oaths and to take affidavits, and shall, from time to time, recommend such measures to the common council as to him shall seem proper. The mayor shall also have power to suspend the operation and effect of any by-law, ordinance or resolution passed by the common council, by filing a notice thereof in writing with the recorder on the same day of the passage thereof, and if in any case where such notice has been filed as aforesaid, the mayor shall, within forty-eight hours after the passage of such by-law, ordinance or resolution, file with the recorder his reasons in writing why such by-law, ordinance or resolution should not go into effect, then the same shall not become operative or go into effect, unless at the first regular meeting of the common council thereafter the same shall be re-passed, without debate, by the concurring vote of two-thirds of all of the aldermen then in office, and if so re-passed, the same shall go into effect according to the terms thereof, and if such reasons in writing shall not be filed as aforesaid, then such by-law, ordinance or resolution shall have the same operation and effect as if no such notice suspending the same had been filed with the recorder as aforesaid. It shall be the duty of the recorder to communicate to the common council at its next regular meeting any paper that may have been filed by him pursuant to the provisions of this section.

Duties of
recorder.

SEC. 62. The recorder of said city shall, in addition to the other duties imposed upon him by this act, keep the corporate seal, and all papers filed in or pertaining to his office; shall make and preserve a record of all ordinances and by-laws passed by the common council, in proper books to be provided therefor; and also to copy the charter of said city and amendments thereto, and all acts and parts of acts of the legislature relative to said city, into a separate book to be provided for that purpose, in their chronological order, as near as may be; and when requested, shall duly certify, under the corporate seal, copies of any of the records of the common council, and all papers duly filed in his office, which shall be evidence in all courts and places of the

matters therein contained; also perform such duties as are or may be required of township clerks, in all cases in which he is authorized or required by this act or the laws of this State to perform the duties of township clerk; and for such services he shall receive the same fees as they are entitled to receive under the laws of this State. He is also hereby authorized and empowered generally to administer oaths and take affidavits.

SEC. 63. The marshal of said city shall be the chief of the police of said city, and it shall be his duty to serve all processes that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or common council, and shall attend all meetings of the common council, and may command the aid and assistance of all constables or other persons in the discharge of the duties imposed upon him by law, and shall be a peace officer; he shall also, under the direction of the common council, see to the making, grading, paving, repairing and opening of all streets, lanes, alleys, bridges, sidewalks and crosswalks within said city, unless the common council shall devolve the same upon one or more of the deputy street commissioners whom the mayor is hereby authorized to appoint; he shall have power and authority, and it shall be his duty, with or without process, to apprehend any person disturbing the peace or offending against any of the by-laws or ordinances of the city, and forthwith to take such person before the recorder or any justice of the peace of said city, to be dealt with as the by-laws or ordinances or this act shall provide, and may apprehend and imprison any person found drunk in any street, lane, alley, park or public place in said city, until such person shall become sober, and shall be and he is hereby authorized to command the assistance, in the discharge of such duties, of any of the citizens or bystanders, if by him deemed necessary; and he shall perform all the duties that may be required of him by the by-laws, resolutions or ordinances passed by the common council.

Power and
duties of
marshal.

SEC. 64. The treasurer of said city shall have the custody of all the money and evidences of value belonging to the city; he shall receive all moneys belonging to and receivable by the corporation, and keep an accurate account of all of the receipts and expenditures thereof; he shall pay no money out of the treasury except in pursuance of and by authority of law, and upon a warrant signed by the recorder and countersigned by the mayor, which shall specify the purpose for which the amount is to be paid; he shall keep an accurate account of, and be charged with moneys received for each fund of the corporation, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which said warrant was issued, and having the name of such fund endorsed thereon by the recorder, and from no other or different fund. He shall exhibit to the common council annually, and as often, and for such periods as may be required by them, a full and detailed account of all receipts and expendi-

Duties of
treasurer.

tures since the date of his last annual report, classifying them by the fund to which such receipts are credited, and out of which such expenditures are made, and shall also, when required, exhibit a general statement showing the financial condition of the treasury, which account, report and statement shall be filed in the office of the recorder; he shall also collect all city taxes imposed by the common council in the manner provided by this act, and the by-laws and ordinances in relation thereto; it shall also be his duty, and he is hereby authorized to perform the same duties in relation to the collection and return of taxes for State, county and school purposes, assessed and levied within said city, as is or shall be required of township treasurers, and shall perform the same in the same manner, under like instruction, and under the same liabilities that are imposed by law upon said [such] township treasurers.

Duties of
supervisor.

SEC. 65. The supervisor is hereby authorized and required to perform the same duties that the supervisors of townships under the general laws of this State are required to perform, in relation to the assessing of property and levying of taxes for State, county, city, and school purposes; he shall also issue his warrants, which shall be signed by said supervisor and mayor and sealed with the seal of said city, to the treasurer of said city for the collection of such taxes, in the same manner as the supervisors of townships issue warrants to the township treasurer for the collection of taxes in townships, and for such services he shall receive such annual salary as shall have been fixed by the common council at its first meeting in the month of March preceding his election. He shall also represent said city in board of supervisors of said county of Calhoun, and shall be entitled to all the rights, privileges, and powers of the other members of said board, and shall discharge the same duties as a member of said board. The mayor and recorder of said city, and the alderman of each ward thereof having the shortest time to serve shall also be *ex-officio* members of the board of supervisors of said county of Calhoun, and shall with the said supervisor elected or appointed in and for said city, represent said city in the board of supervisors of said county, and shall possess the like powers and be chargeable with the like duties as any other of the members of said board of supervisors, and shall be entitled to the same pay and be paid in the same manner as the other members of the said board: *Provided*, That said mayor, recorder and alderman shall exercise no authority as supervisors except as members of the said board; but the aldermen of each of the wards having the longest term to serve, shall constitute a supervising board, whose duty it shall be, after said supervisor of said city shall have completed his assessment roll and previous to the days appointed by law for the review of the same, to meet with said supervisor on some day or days to be appointed by him, and carefully examine, inspect and compare the whole of said roll and to advise said supervisor as to the equalization of the valuation of the property mentioned and described in said roll, and they shall receive for such [service] the same compensation per day as is paid

Other officers
ex-officio mem-
bers of the
board of super-
visors.

Proviso.

Supervising
board.

Duties of.

to said supervisor, which shall be paid by the city: *Provided*, Provido.
That the time for the review of the assessment roll as provided for
by law, shall be on Thursday and Friday next preceding the second
Monday of July in each year.

SEC. 66. The justices of the peace of said city shall have the
like powers and jurisdiction, and be subject to the same duties
and liabilities, as are or shall be provided by law in relation to the
powers, duties and liabilities of justices of the peace of the several
townships of this State; and the constables of said city shall per-
form the duties, receive the compensation, and be subject to the
liabilities which are or shall be by law provided for constables of
the townships of this State; said constables shall also be peace
officers. Powers and
duties of justi-
ces of the peace
and constables.

SEC. 67. The recorder and any justice of the peace of said city
are hereby authorized and empowered to inquire of, hear, try, and
determine, in a summary manner, all offenses which shall be com-
mitted within said city, against any of the by-laws or ordinances
made by the common council of said city, or arising under the
provisions of this act; to punish the offenders as by the said by-
laws or ordinances or by this act shall be prescribed or directed;
to award all processes, and to take recognizances for the keeping
of the peace, for the appearance of the person charged, and upon
appeal or *certiorari*, and to commit to prison as occasion shall
lawfully require. Recorder and
any justice of
the peace au-
thorized to try
offenses against
ordinances, etc.

SEC. 68. In all prosecutions for a violation of any of the
by-laws or ordinances passed by said common council, or for any
violations of any of the provisions of this act, upon complaint
being made upon oath before said recorder or justice, setting
forth therein the substance of the offense complained of, such
recorder or justice shall issue a warrant, in the name of the
People of the State of Michigan, for the apprehension of the
offender, directed to the marshal of the city of Battle Creek, or
to any constable of the county of Calhoun, except as in this act
is otherwise provided, and such process may be executed by any
of said officers anywhere in the county of Calhoun, and shall be
returnable the same as other similar process issued by justices of
the peace. That upon bringing the person so charged before
said recorder or justice of the peace, he shall plead to said com-
plaint, and in case of his refusing to plead thereto, or standing
mute, the said recorder or justice of the peace shall enter the
plea of not guilty for the person so charged. It shall be the duty
of any officer making any arrest to immediately notify the city
attorney of the same, and it shall then be his duty to take charge
of the prosecution of the case. That upon said complaint and
plea a trial shall be had; and upon conviction of said offender,
and the imposition of a fine, it shall be the duty of the recorder
or justice of the peace before whom such convictions shall be
made to issue a commitment, directed to the marshal of said city,
or to any constable of said county of Calhoun, or to any other
officer provided by this act, commanding him in default of the
payment of such fine and costs within the time fixed for the
Warrants, how
issued.
How directed,
executed, etc.
Proceedings
before recorder
or justice.
Duty of officer
making arrest.
Trial and con-
viction.
Commitment.

payment thereof, that he take the body of the defendant and commit him to the common jail of said county, or to any prison, work-house, or house of correction in said city, or to the State house of correction at Ionia, as may be provided by the provisions of this act, or by any by-law or ordinance of the common council, or as may be fixed in the sentence imposed by such recorder or justice of the peace, and the sheriff or keeper of any such jail, prison, work-house, house of correction, or of the State house of correction at Ionia, shall receive and safely keep the body of the person so committed until such fine and costs be paid, or until he shall be discharged by due course of law; and in cases where imprisonment alone shall be imposed upon the person so convicted, said recorder or justice shall issue a commitment, directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law; and in any case in which both fine and imprisonment are imposed upon the person so convicted by the judgment of such recorder or justice of the peace, he shall issue the necessary process to carry such judgments into effect; and it shall be lawful to use the common jail of said county, any city prison, work-house, or house of correction, or the State house of correction at Ionia, for the imprisonment of persons liable to imprisonment under the by-laws or ordinances of the common council, or by virtue of the provisions of this act; and all persons committed by the recorder or any justice of the peace of said city, for the violation thereof, shall be in the custody of the sheriff of said county, or the keeper of such prison, work-house, house of correction, or the State house of correction at Ionia, as the case may be, who shall safely keep the person so committed until lawfully discharged as in other cases:

Provided, That the common council may remit any such fine, in whole or in part, for good cause shown, by the concurring vote of two-thirds of all the aldermen elect: *And provided further*, That all costs and expenses incurred under the provisions of this section shall be provided for and paid out of the treasury of said city.

Proviso.

Further proviso.

In case person charged with violation of ordinances, etc., is without the city.

SEC. 69. Whenever any person or persons charged with having violated any of the ordinances of the common council, or of the provisions of this act, by which the offender is liable to imprisonment, shall have escaped from the county, or shall reside or be without the limits thereof, the recorder or any justice of the peace of said city to whom complaint shall be made, shall issue a warrant in the name of the People of the State of Michigan, directed to the sheriff of any county in this State, commanding him to arrest and bring the body of such person or persons before him to be dealt with according to law, and which may be served in any part of this State; and any sheriff to whom said warrant shall be delivered for service is hereby required to execute the same under the penalties which are incurred by law by sheriffs and other officers for neglecting or refusing to execute criminal process.

SEC. 70. In all trials before the recorder or any justice of the peace, under the provisions of this act, of any person or persons charged with any violation of any by-law or ordinance of the common council, he or they shall be entitled to a trial by a jury of six persons, and all the proceedings for selecting and summoning such jury, and in the trial of the cause, shall be in conformity, as near as may be, with the mode of proceeding in criminal cases before justices of the peace and within the same time; and in all cases the right of appeal or *certiorari* from said court to the circuit court for the county of Calhoun, or to any court having jurisdiction, shall be allowed to the parties, or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in the appeals or proceeding by *certiorari* from justices' courts in criminal cases.

Persons entitled to jury trial.

SEC. 71. All fines recovered for a violation of any by-law or ordinance of said city, except as hereinafter otherwise provided, shall be paid into the treasury of said city by the officer or person receiving the same immediately after receiving the same; and any person who shall neglect or refuse to pay the same as aforesaid, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail not less than three months, nor more than one year, or by both such fine and imprisonment, in the discretion of the court. All fines recovered for any violation of any law of the State, and for a violation of any by-law or ordinance of said city which the law requires to be paid to the county treasurer, shall be paid to the treasurer of the county of Calhoun; and all expenses and costs of apprehending, examining, trying and committing offenders against any of the laws of the State, or against any such by-law or ordinance of said city, where the fines, when recovered, are by law required to be paid to the county treasurer, shall be audited, allowed and paid by the board of supervisors of said county of Calhoun, the same as if such expenses and costs had been incurred in any township of said county.

Disposition of fines recovered.

Expenses of trial, etc., how paid.

SEC. 72. In all suits or proceedings in which the city of Battle Creek shall be a party or shall be interested, no inhabitant of said city shall be deemed incompetent as a witness or juror, or to discharge the duties of any judicial office on account of his interest in the event of such suit, action or proceeding: *Provided*, Such interest be such only as he has in common with the inhabitants of said city.

Residents of the city not deemed incompetent as witnesses or jurors

SEC. 73. The supervisor of said city shall make out from the assessment roll a separate list and statement of the valuation of all the taxable personal property, and a description of all lots or parcels of land within said city, inserting in a separate part of such list descriptions of lands owned by non-residents of said city, with the value of each lot or parcel set down opposite to such description as the same shall appear on the assessment roll; and if such lot or tract was not separately described in such roll, then in proportion to the valuation which shall have been affixed to the whole tract of which such a lot or parcel forms a part.

Supervisor to make list of taxable property, etc.

What list to contain.

Council has power to levy and assess a limited amount of taxes for street purposes, etc.

Manner of levying and collecting.

Power to levy and assess taxes for other purposes.

Limit.

Time of assessing and collecting.

Taxes a lien.

Council empowered to issue bonds.

Limit of interest on.

For what purpose to be issued.

Proviso.

SEC. 74. The common council shall also have authority and power to assess and levy taxes upon the real and personal property within the limits of said city, to the extent that it shall be deemed necessary by the common council, not to exceed one per cent on the valuation, for the purpose of being expended on the streets, sidewalks, crosswalks, bridges, lanes, alleys and public grounds of the city, in opening, working upon, repairing, building and grading such streets, sidewalks, crosswalks, bridges, lanes, alleys and public grounds; and the manner of levying and collecting such taxes, and the returning of property for the non-payment of such taxes, and the sales and redemptions of the same, shall be the same, as near as may be, as other city taxes are to be assessed and collected; and it shall be the duty of the common council to expend the money so raised for the purposes aforesaid, by contract or otherwise.

SEC. 75. The common council shall have power and authority, in addition to the tax provided for in section seventy-five of this act for streets, sidewalks, crosswalks, bridges, lanes, alleys and public grounds, to levy and collect taxes on all of the real and personal property within the limits of said city, by them deemed necessary, not exceeding one per cent each year on the valuation of the real and personal property in said city, as determined by the assessment roll for that year, for the ordinary municipal expenses not provided for in [said] section seventy-five of this act, and not exceeding four per cent in each year on the aforesaid valuation, for the purpose of paying any indebtedness of said city, and all city taxes provided for by said sections seventy-five and seventy-six of this act to be assessed, levied and collected, shall be so assessed and levied previous to the second Monday of August, and shall be collected on or before the fifteenth day of September in each year, but it shall be necessary to make but one assessment in each year. The common council shall also have power and authority to make, establish and enforce all necessary by-laws and ordinances for the collection of the same. The taxes thus assessed shall become at once a debt to the city from the persons to whom they are assessed; and the amounts assessed on any real or personal property shall be and remain a lien on such real or personal property for the amount of the tax, interest and charges thereon, from the second day of August of the year in which such assessment is made, until paid. The common council shall have, and are hereby invested with full, ample and complete authority, whenever they shall deem it necessary and for the best interests of the city, to issue the bonds of said city, in such form, payable at such time or times, and at such rate of interest, not exceeding five per cent per annum, as they shall determine, for the purpose of funding or paying any indebtedness of said city, or to provide for the construction of water-works or sewers, or the introduction of water in said city, or for the extension of water-works or sewers, but for no other purpose whatever: *Provided*, That no bonds shall be issued to provide for the construction of water-works, or sewers, or the introduc-

of water in said city, or for the extension of water-works or
 rs, until a majority of all [of] the electors of said city, voting
 said question, shall have voted in favor of making such
 overment, either at any charter election, or at a special elec-
 called by the common council for that purpose at such time
 in such manner as said council shall specify.

c. 76. It shall be duty of the supervisor, whenever the city
 sment [roll] shall have been completed, and previous to the
 d Monday of August in each and every year, to assess the taxes
 have been levied by the common council, adding thereto, and
 other taxes required by law to be assessed by him, one per
 for collecting expenses upon the amount so levied upon the
 ble property in the city, according and on proportion to the
 ridual and particular estimate and valuation as specified in
 assessment roll of the city for that year. He shall, on the
 d Monday of August in this and each and every year there-
 , deliver to the treasurer a copy of said assessment roll, with
 taxes annexed to each valuation, and such portion of said
 as is levied on account of any indebtedness of the city shall
 rried out in one column, and so much thereof as is levied
 ll other expenses of said city shall be carried out in another
 nn, and the totals of all of said portions shall be carried out in
 ast column of said roll. He shall then annex thereto a war-
 under the hands of the supervisor and mayor, with the seal
 e city affixed, commanding the treasurer to collect from the
 al persons named in said roll the several sums mentioned in
 ast column thereof, opposite their respective names, on or
 e the fifteenth day of September of that year; and it shall
 orize said treasurer, in case any person shall neglect or refuse
 ay his tax, to levy the same by distress and sale of the goods
 chattels of such persons, in the same manner as is or shall be
 ided by law in cases of township treasurers. Immediately
 the common council shall have levied any taxes the recorder
 certify to the supervisor the amounts thereof. It shall also
 ne duty of the supervisor to make a separate assessment roll
 he collection of taxes levied and assessed for State, county
 school purposes, but it shall not be necessary to make a new
 ifferent assessment therefor. Said State, county and school
 shall be carried out in separate columns, and he shall also
 out the total amount of taxes in the last column of said roll,
 shall add thereto four per cent for collecting expenses, accord-
 and in proportion to the individual and particular estimate
 valuation as specified in said assessment roll. Said treasurer
 deduct three of said four per cent upon all taxes paid to him
 ous to the first day of January. He shall deliver to said
 urer a copy of said assessment roll within the same time pro-
 d for townships, and shall annex thereto a warrant, under
 hands of the supervisor and mayor, with the seal of the city
 d, commanding the treasurer to collect from the several
 ns named in said roll the several sums mentioned in the last
 mn thereof, opposite their respective names, on or before the

Supervisor to
 assess city
 taxes.

Copy of roll,
 when to deliver
 to treasurer.

Warrant, what
 to contain.

Recorder to
 certify to super-
 visor amount of
 taxes levied.

Manner of
 making sepa-
 rate roll for
 State, county
 and school tax.

Copy of roll
 when to be de-
 livered to
 treasurer.
 Warrant.

THE UNIVERSITY OF MICHIGAN LIBRARIES

When per cent.
collected on
taxes to be paid
into city gener-
al expense fund.

Duty of treas-
urer on receipt
of roll.

Council may
issue new
warrant.

Council may
extend time for
collecting tax.

Proviso as to
State, county
and school
taxes.

day specified in said warrant; and it shall authorize said treasurer, in case any person shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons in the same manner as is or shall be provided by law in case [cases] of township treasurers. Whenever the common council shall fix a salary for said treasurer, as they are hereby authorized to do, then said percentage collected by him on all taxes shall be paid into the general expense fund of said city for the use of said city.

SEC. 77. The treasurer, upon receiving the several tax-rolls shall proceed to collect the taxes therein mentioned, and in case of neglect to pay such taxes, shall levy the same by distress and sale of the goods and chattels of every such person wherever found in said city, and may take any property that can be taken by township treasurers in the collection of taxes. He shall give the same notice and shall sell in the same manner as township treasurers are required to do in the collection of taxes, and any surplus on such sale shall be returned to the person in whose possession said property was when the distress was made. Said treasurer shall, within ten days after the time mentioned in his warrant, for the collection of said city taxes, return said tax-roll into the office of the recorder; said treasurer shall, also, within ten days after the time mentioned in his warrant for the collection of State, county and school taxes, return a duplicate of said tax-roll into the office of the recorder, and in case any of the taxes mentioned in either of said rolls shall remain unpaid and he shall be unable to collect the same, he shall make out a statement of the taxes remaining unpaid and due, with a full and perfect description of such premises from said roll, and shall attach thereto an affidavit that the sums mentioned in said statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such tax.

SEC. 78. Whenever the treasurer shall not be able to collect any city tax on personal property, on account of the absence of the person so taxed, or for any other cause, the recorder may, if directed by the common council, issue a new warrant to the treasurer for the collection of such tax; and thereupon said warrant shall be and remain in full force for the purposes of such collection as long as shall be directed by the common council, and the treasurer shall charge and collect interest on all such taxes at ten per cent per annum from the time of returning the tax-roll until the day of collection; the common council may, at any time after a tax-roll shall have been placed in the hands of the treasurer for collection, extend the time for the collection thereof, in their discretion, not exceeding sixty days from the original return day thereof: *Provided*, That the time for the collection of State, county and school taxes shall not be extended for a greater length of time than is or may be provided by law for the extension of the time for the collection of taxes by township treasurers; and it shall, also, be lawful for the treasurer, in

name of the city, to sue the person or persons against whom such personal property taxed was assessed, after the return of the assessment roll, before any court of competent jurisdiction, to have, use, and take all lawful ways and means provided by law, including proceedings by garnishment for the collection of such taxes, to enforce the payment of any such tax. Executions issued upon judgments rendered for every such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of any city taxes; and the proceedings of any officer with such execution shall be the same in all respects as if the same were or shall be hereafter directed by law. The production of any assessment roll on the trial of any action brought for the recovery of any tax therein assessed, may, upon proof that it is the original assessment roll, or the assessment roll with the warrant annexed of the city, be read or used in evidence; and if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity [of the assessment] of the same; and the court before whom the case may be pending, shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

SEC. 79. The recorder shall, immediately after receiving said assessment, transcribe the same into a book to be provided and kept for that purpose, and shall, under the direction of the common council, and in pursuance of the ordinances or resolutions of said common council, proceed to sell at public sale so much of the lands so returned on account of the non-payment of the taxes thereon as shall be necessary to satisfy the amount of taxes, together with such amount as shall be directed by the common council to cover the expenses of such sale, notice of which sale shall be given by publication in one newspaper published in said city once in each week for four successive weeks immediately preceding such sale; and said recorder, on such sale, shall give to the purchaser or purchasers of any such lands a certificate describing the lands purchased and the time when the purchaser will be entitled to a deed for the same, and in case a less amount than the whole of any such description should be sold the part so sold shall be taken from the north or northerly side or end thereof, and shall be bounded on the south or southerly side or end thereof by a line running parallel with the north or northerly boundary thereof: *Provided*, That if any parcel of land can not be sold to any person for the taxes and charges, the recorder shall remove the same off to said city, and shall give a like certificate of such sale, which shall have the like effect in all respects as if the same had been given to any other purchaser thereof. Upon the completion of said sale the recorder shall deliver to the treasurer a detailed statement of such sale, containing a description of the premises sold, the particular tax and amount for which the same were sold, and the names of the purchasers, which shall be transcribed in a book to be provided for and kept by said treasurer,

Treasurer may sue, etc.

Execution, etc.

In suits for recovery of tax, assessment roll evidence of regularity, etc.

Payment of tax the only defense.

Duty of recorder on receiving statement.

Notice of sale.

Certificate of sale, etc.

Proviso as to lands that can not be sold.

Statement of sale, etc.

and said recorder shall also pay to said treasurer, at the same time, all the moneys received upon such sales.

Redemption of
lands sold for
taxes.

SEC. 80. Any person claiming any of the lands sold as aforesaid, or any interest therein, may at any time, within one year next succeeding such sale, redeem any parcel of said lands, or any part of or interest in the same, by paying to the treasurer of said city the amount for which such parcel was sold, or such proportion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of twenty-five per centum per annum, fifteen per cent of which shall be paid to the purchaser; but in no case shall the interest be computed for a

Certificate, etc.

less time than three months from the day of sale; whereupon the treasurer shall issue and deliver to the person making such payment a certificate of the redemption thereof; and he shall, at the expiration of the year after the making of said sales, to deliver to the recorder of said city a statement of all the lands that have been redeemed as aforesaid, and the amounts paid for such redemptions.

Conveyance of
lands purchased
at tax sales.

SEC. 81. Upon the presentation of any such certificate of sale to the recorder after the expiration of the time for the redemption of the lands sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a conveyance of the lands therein described, which conveyance shall vest in the person or persons to whom it shall be given an absolute estate, in fee simple, subject to all the claims the State may have thereon; and the same conveyance shall be *prima facie* evidence that the proceedings were regular, according to the provisions of this act, from the valuation of the same by the supervisor to the date of the deed inclusive; and every such conveyance, duly made and acknowledged, may be given in evidence in all courts and places in this State, in the same manner and with the like effect of any other conveyance of real estate or any interest therein; and the common council may, upon satisfactory evidence, upon oath, of the payment of any tax upon real estate, and that the same has been returned for non-payment, by mistake or otherwise, improperly, or for any other irregularity in the return of such real estate, cancel the certificate of sale before the lands therein described have been conveyed as aforesaid; and thereupon the recorder shall draw an order upon the treasurer, countersigned by the mayor, for the amount of the purchase money, with interest on said amount at ten per cent; and no deed shall be given upon such certificate of sale. And every such deed, when witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases, and after it shall have been on record two years in the office of the register of deeds in and for said county of Calhoun, except: *First*, When the same shall be annulled according to law; *Second*, When the land sold was not subject to taxation at the date of the assessment of the taxes for which it was sold; *Third*, When the taxes have been paid to the proper officer within the time limited by law for the payment or redemption thereof; or, *Fourth*, When a certificate that no taxes were charged against

Council may
cancel certifi-
cate of sale,
when.

When deed to
be evidence of
title to lands in
fee simple.

Exceptions.

land has been given by the proper officer within the time
 ted by law for the payment or redemption thereof, shall be
 tive evidence that the lands therein described were by such
 l conveyed in fee simple to the grantee therein named and
 heirs and assigns. And no suit in ejectment shall be com-
 ced to recover said lands, or title thereto sustained thereafter,
 ny person claiming or holding possession or title through any
 r source.

ec. 82. The common council of said city is hereby author-
 and required to perform the same duties in and for said city
 re by law imposed upon the township boards of the several
 nships of this State in reference to schools, State, county and
 ol taxes, the support of the poor, State, congressional, judi-
 district and county elections, except as is otherwise provided
 his act. The mayor and recorder shall select and return
 of grand and petit jurors for the circuit court of Calhoun
 ty, unless it may be otherwise provided by law, in the same
 ner and within the same time that the same duty is or shall
 required of township officers in this State; and the supervisor.
 ces of the peace, recorder, and other officers of said city, who
 required to perform the duties of township officers of this
 e, shall take the oath, give the bonds, perform like duties,
 receive the same pay, and in the same manner, and be sub-
 to the same liabilities as is provided for the corresponding
 nship officers, except as is otherwise provided in this act, or
 ay be provided by the ordinances of the common council.

Duties of coun-
 cil relative to
 State, county
 and school
 taxes, elections,
 etc.

Lists of jurors.

Certain officers
 to give bonds,
 etc., in same
 manner as
 township
 officers.

ec. 83. The recorder, marshal, deputy street commissioners
 all other officers of said city shall receive such compensation
 their services as the common council may deem right and
 er, unless the same is fixed by the provisions of this act; but
 mayor and aldermen shall receive no compensation for their
 ices, except in the cases herein otherwise or by law provided.
 ec. 84. No money shall be drawn from the treasury, unless
 ursurance of previous appropriations specifying the purpose
 eof; and any order or warrant directing or requiring the
 ment of the same, shall specify the object and purpose of
 payment, and shall be signed by the recorder, and counter-
 ed by the mayor of said city.

Compensation
 of officers.

How money to
 be drawn from
 treasury.

ec. 85. The common council shall, at least once in each and
 y year, and during the week immediately preceding the
 al charter election, cause to be published in at least one
 paper printed in said city, or in pamphlet form if directed
 the common council, a just and true account of all the
 eys received or expended by them in their corporate capacity
 ng the year or other period next preceding such publication,
 also the disposition thereof, previous to which they shall
 it and settle the accounts of the city treasurer, and the
 ounts of all other officers or persons having claims against the
 or accounts with it, and shall make out in detail a statement
 ll receipts and expenditures; and which statement shall fully
 ify all appropriations made by the common council, and the

Council to pub-
 lish annual
 account, what
 to contain.

object and purpose for which the same were made, and the amount of money expended under such appropriations, the amount of taxes raised, the amount expended on highways, streets, bridges, sidewalks, crosswalks, lanes, alleys and public places, and all such information as shall be necessary to a full and perfect understanding of the financial affairs of the city.

Who deemed
vagrants.

SEC. 86. All persons being habitual drunkards, destitute and without visible means of support, or who, being such habitual drunkards, shall abandon, neglect or refuse to aid in the support of their families, being complained of by any member of such families, or by the mayor, any alderman, the marshal, any constable or police officer of said city; all able-bodied and sturdy beggars who may apply for alms or solicit charity; all persons wandering abroad, lodging in watch-houses, railroad depots, buildings or cars, out-houses, market-places, sheds, barns, stables or uninhabited dwellings, or in the open air, and not giving a good account of themselves; all common brawlers and disturbers of the public quiet; all persons wandering abroad and begging, or who go about from door to door and place themselves in streets, lanes alleys or other public places, or beg or receive alms within said city; all persons who neglect or refuse to provide for their wives or children according to their means; all persons who shall frequent and be harbored in houses of ill-fame, who shall secure or provide business for such houses by inducing persons to visit the same, and who shall derive any profit or gain from such acts, or reward or share of the receipts or profits from the women residing or being in such houses, or who shall be, in consideration of such acts, in whole or in part supported by said women, shall be deemed vagrants, and may, upon conviction before the recorder or any justice of the peace of said city, be sentenced to confinement at hard labor in the county jail, or in any prison, work-house or house of correction in said city, for any term not exceeding three months.

May, upon con-
viction, be
sentenced, etc.

Officers to con-
tinue in office.

First charter
election.

SEC. 87. All the officers of said city who may be in office when this act shall take effect, shall continue to exercise the duties of their respective offices until the term for which they were elected or appointed shall have expired. The first charter election to be held in said city after this act shall take effect, shall be held in precisely the same manner in all respects as if this act had not been passed, unless as otherwise herein provided, and like notice of holding such election shall be given, and shall be superintended by the same officers as is required by the acts hereby repealed.

Processes
against city
how to run, etc.

Suits com-
menced, how
disposed of.

SEC. 88. All process issued against said city shall run against said city in the corporate name thereof, and such process shall be served by exhibiting the original and leaving a true and certified copy thereof with the mayor or recorder of said city. All suits and proceedings instituted or commenced by or against the city of Battle Creek before this act shall take effect, shall be prosecuted to the end thereof, the same as though this act had not [been] passed.

SEC. 89. Act number three hundred and ninety-nine of the local acts of eighteen hundred and eighty-five, entitled "An act to authorize the city of Battle Creek to construct and maintain water-works and sewers and to establish a board of public works," approved June twentieth, eighteen hundred and eighty-five, and all acts and parts of acts heretofore passed, inconsistent with the provisions of this act, are hereby repealed, but nothing herein contained shall be construed to destroy, impair or to take away any right or remedy acquired or given by any act hereby repealed, and all proceedings commenced under any such former act shall be carried out and completed, and all prosecutions for any offense committed or penalty or forfeiture incurred, shall be enforced in the same manner in all respects, and with the same effect, as if this act had not been passed; but nothing in this section contained shall be so construed as to annul or impair or affect any ordinance, by-law, resolution or proceeding of said city not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are amended or repealed, as fully as though this act had not been enacted.

Acts repealed.

Exceptions as to rights, etc.

SEC. 90. All the personal and real estate, franchises, rights, credits and effects whatsoever, and all and every right or interest therein belonging to the city of Battle Creek under and by virtue of any former acts, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created and continued by this act, saving, nevertheless, to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created and continued, every person who is or shall be possessed thereof, shall deliver the same to the city of Battle Creek, with all moneys, deeds, evidences of debt, property, books, papers and records, touching or concerning the same, when legally required so to do; and said city may bring suit in its corporate name for the recovery of the same; and the corporation hereby created and continued shall be liable for and pay all just debts due from or claims or demands against the city of Battle Creek, as heretofore existing, and all contracts or agreements heretofore made or entered into by the corporate authorities of the city of Battle Creek shall be and the same are hereby made binding and obligatory upon the corporation hereby created and continued.

Estate, franchises, rights, etc., belonging to the city under former acts, continued under this act, etc.

SEC. 91. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever. The legislature may, at any time, modify, alter, amend, or repeal the same.

This act deemed a public act.

SEC. 92. The townships of Battle Creek and Emmet shall be, remain and continue the same in all respects as before the passage of this act.

Townships of Battle Creek and Emmet to remain as before.

This act is ordered to take immediate effect.

Approved April 9, 1887.

[No. 429.]

AN ACT to revise and amend an act entitled "An act to organize the union school district of Bay City," approved March twenty, eighteen hundred and sixty-seven, and the acts amendatory thereof.

Act amended.	SECTION 1. <i>The People of the State of Michigan enact</i> , That the act entitled "An act to organize the union school district of Bay City," approved March twenty, eighteen hundred and sixty-seven, and the acts amendatory thereof be and the same are hereby amended so as to read as follows:
City to constitute union school district.	SECTION 1. The territory embraced in the city of Bay City shall constitute one school district, and shall be a body corporate by the name and style of the "Union school district of Bay City," and by that name may sue and be sued for all debts contracted by the board of education of said school district, and shall have and possess all the powers and be subject to all the duties and liabilities conferred and imposed by the general laws of the State, relating to corporations, and relating to primary and union schools and school districts, so far as the same may be applicable, except as herein otherwise provided, and except as may be otherwise provided by the by-laws and ordinances of the said board of education. The schools of said district shall be open and free to all children actual residents within the limits of the city and between the ages of five and twenty years inclusive, and to such other persons as the said board shall admit.
Powers, duties, etc.	
Board of education.	SEC. 2. The board of education of said district shall consist of two members from each ward of said city as said wards are now and may be hereafter bounded and established. Each of
Terms of office.	said members shall hold office for the term of two years commencing on the day of the annual election herein provided for, and until his successor is elected and qualified; the term of one member of said board in each ward shall expire each year: <i>Provided</i> , That the present members of said board elected in Sep-
Proviso.	tember, eighteen hundred and eighty-five, shall hold their offices until the next annual election, and that the present members of said board elected in September, eighteen hundred and eighty-six, shall hold their offices until the second annual election, and all of said members shall hold their offices until
Eligibility.	their successors are elected and qualified. No person shall be eligible to election or appointment as a member of said board of education who holds any other office or appointment under the municipal government of said city, or by appointment of the board of education.
Election of board.	SEC. 3. On the second Monday of August next, and each year thereafter, an election shall be held in each of said wards for the election of member of said board of education for such ward. The voting at such election shall be by ballot, upon which shall be written or printed the name of the person voted for. The board of education shall, at least five days before the time fixed for

holding the election, designate the place in each ward where the same is to be held, and give notice thereof by publishing the same one or more times in one or more newspapers published in said city. The members of the board of education for each ward respectively, and the supervisor of such ward, shall constitute a board of inspectors for such election. If there shall be any vacancy in such board of inspectors, or if either member thereof shall fail to appear at the time appointed for the opening of the polls of such election, or, if having appeared, he shall refuse or neglect to act, then the electors present at the polls at that time shall, by a *viva voce* vote, appoint a suitable person to fill such vacancy, and the person or persons so appointed shall constitute the board of inspectors. The inspectors shall appoint a clerk who shall keep a record, wherein he shall enter the names of all persons voting at said election. Neither the inspectors or clerk shall receive any compensation for their services. The inspectors shall open a poll and receive the ballots of all persons entitled to vote at such election. The polls of such election shall be opened at two o'clock in the afternoon and continue open until seven thirty o'clock in the evening; after the close of the poll, the ballots shall be counted and canvassed by the inspectors. The person receiving the highest number of votes at such election shall be deemed and declared to be duly elected member of the board of education. The inspectors shall thereupon forthwith prepare a certificate showing the result of the election, which shall be signed by them or by a majority of them. They shall also at the same time seal up the ballots cast at said election, and within two days thereafter deliver said certificate and said ballots to the recorder of the city, who shall file and keep the same in his office. The package containing the ballots shall not be opened except upon the order of the board of education or of any court having jurisdiction in the premises. The board of education may order the destruction of said ballots at any time after the expiration of one year from the date of holding said election. All the provisions of the act incorporating Bay City relating to the election of aldermen in said city, so far as the same may be applicable, shall govern as to the manner of holding said election, canvassing and returning the vote, except as in this act otherwise provided. If a new ward shall be created in said city, the board of education shall order the holding of a special election in such ward, at a time and place to be designated by the board, and give at least fifteen days' notice thereof and publish the same one or more times in one or more newspapers published in said city, and shall appoint three reputable persons in such ward to be inspectors of election, but if either of the persons so appointed shall refuse or neglect to serve as such inspector, then the electors present at the time for opening the poll shall fill the vacancy as hereinbefore provided. The election shall be conducted, the votes canvassed and return thereof made to the recorder in the same manner, and subject to the same regulations, as herein provided in the case of the annual elections.

Notice.

Inspectors of election.

Vacancies in board of inspectors.

Clerk.

Compensation.

Manner of conducting an election.

Act governing election.

In case of new ward.

Who entitled to
vote.

SEC. 4. Every person of the age of twenty-one years who has property liable to assessment for school taxes in said city, or who is a parent or legal guardian of any child entitled to attend the schools of said city, and who has resided in the city for three months next preceding the day of said election, and who has resided in the ward in which he or she offers to vote, for ten days next preceding the day of said election, shall be entitled to vote in such ward for member of the board of education: *Provided*, That if the question of raising money for said district bond loan shall at any time be submitted to be voted upon by the electors at an annual election, or at a special election called for that purpose as hereinafter provided, only persons who have property liable to be assessed for school taxes in said city shall be entitled to vote in respect to such loan.

Proviso

Proceedings in
case of chal-
lenge.

SEC. 5. If any person offering to vote at said election shall be challenged as unqualified by any legal voter in said ward, one of the inspectors shall declare to the person challenged the qualifications of a voter; and if such person shall state that he is qualified and the challenge shall not be withdrawn, one of the inspectors shall tender to him an oath, in substance as follows: "You do swear (or affirm) that you are twenty-one years of age; that you have been for the last three months an actual resident of Bay City and for the last ten days an actual resident of this ward and that you have property liable to be assessed for school taxes in said Bay City." And every person taking such oath shall be permitted to vote at said election, both for member of the board of education and upon questions involving the raising of money by loan. Or the person so challenged may take the following oath: "You do swear (or affirm) that you have been for the last three months an actual resident of Bay City, and for the last ten days a resident of this ward, and that you are a parent or legal guardian of one or more children entitled to attend the schools of said city." And the person taking such oath shall be permitted to vote for member of the board of education, but shall not be permitted to vote upon questions involving the raising of money. If any person so challenged shall refuse to take such oath, his vote shall be rejected; and any person who shall take a false oath or make a false affirmation under the provisions of this section shall be deemed guilty of perjury, and be subject to the pains and penalties thereof.

False oath
deemed perjury.

Disturbances at
elections.

SEC. 6. If at any such election any person shall conduct himself in a disorderly manner, and if after notice thereof by either of the inspectors of election shall persist therein, either of the inspectors may order him to withdraw from the place of holding the poll, and on his refusal may order any constable, sheriff or deputy sheriff, or any policeman, or any other person or persons to take him into custody until the polls of said election shall be closed, and any person who shall refuse to withdraw from the place of holding said poll on being so ordered, as herein provided, and also any person who shall willfully disturb the said election by rude, indecent behavior, by profane or indecent discourse, or

in any other way make such disturbance, he shall, on conviction thereof, be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail not exceeding thirty days; and any justice of the peace or the recorder of said city shall have jurisdiction to try and determine the same. How punished.

SEC. 7. Each member of said board elected as herein provided, shall, within ten days after being notified by the recorder of his election, take and file with the recorder of said city the constitutional oath or affirmation of office. In case a vacancy shall occur in the membership of said board during the year, the vacancy shall be filled by appointment by the board of education, and the person so appointed shall hold office until the next regular annual election herein provided for; and at such election the vacancy shall be filled by election by the qualified electors of the ward, which election shall be conducted in the same manner as hereinbefore provided for. The name of the person to fill the vacancy shall be written or printed upon the same ballot with the name of the person voted for, for the full term, and the ballots shall designate which person is elected for the full term and which to fill the vacancy. In the case of an election for members of the board of education in a new ward, the names of both persons to be elected for that ward shall be written or printed upon the same ballot. The ballot shall designate which person is to hold office for the short term and which for the long term. The term of the person elected for the short term shall expire at the next annual election thereafter occurring herein provided for, and the term of the person elected for the long term shall expire one year after the said next annual election thereafter occurring. Board of education to file on 'h.
Vacancies, how filled.
Form of ballot in election in new ward.

SEC. 8. The recorder of the city shall be *ex-officio* clerk of said board and shall perform such duties as the board of education shall require; and he shall keep the record of the proceedings of the said board at his office. In case of his absence or inability to perform the duties the board may appoint some suitable person to be clerk *pro tem*. Clerk of board.

SEC. 9. If the recorder shall not discharge his duties to the satisfaction of said board he may be removed, and the board may appoint a clerk for the remainder of the term of such recorder. Such clerk shall possess all the powers of the recorder, so far as his powers relate to the business of said school district. And the board of education may fix and pay such clerk a suitable compensation. When board may appoint clerk.
Powers and duties of.
Compensation.

SEC. 10. The treasurer of said city shall be treasurer of said board, and shall keep all moneys belonging to the school funds of said district separate from all other moneys in his possession, and shall not pay out or expend any of such money without the authority of said board. The treasurer shall, before receiving any of the money of said district, give a bond to said district, in a penalty to be fixed by the board in double the amount of money that is likely to come into his hands belonging to said district, with two or more sufficient sureties to be approved Treasurer of board.
Bond.

Additional bond.	by said board, conditioned for the faithful performance of his duties as such treasurer, and the proper care and application of all school funds which shall come into his hands as such treasurer. Said board of education may at any time and from time to time require
Funds, how deposited.	the said city treasurer to execute a new or additional bond upon like conditions, in such penalty and signed by such sureties as shall be satisfactory to the said board. Said treasurer shall deposit school funds in his possession in such bank in Bay City or with such person or corporation therein as will pay the greatest amount of interest, and shall give good security by bond, with at least five sufficient and responsible sureties, to be approved by said board, conditioned for the payment thereof as needed in the management of said district and as ordered by said board: <i>Provided</i> , That the recorder shall, in July in each year, invite proposals for such deposits by publishing notice inviting bids for such deposits in one or more newspapers published in said city for four successive weeks, and the person or corporation offering the largest amount of interest, and who shall comply with this section shall receive such deposits. The interest accruing therefrom shall be added to the school fund of such district: <i>And provided further</i> , That said funds shall not be loaned to, or deposited with any member or officer of said board or of the city, or loaned to or deposited with any firm, company or corporation with which any member of said board, or officer of said city, is interested as partner, stockholder or otherwise, nor shall any member of said board or officer of said city be accepted as surety upon any bond provided in this section. This proviso shall not apply to banks or banks.
Proviso.	If said city treasurer shall within ten days after being required by the board of education fail to file such bond as the said board hereinbefore authorized to require of said treasurer, and shall fail to comply with the directions of the board in that behalf, then and in such case said board may appoint some other person to be treasurer of the district for the unexpired portion of the term of said city treasurer. And the person so appointed shall, upon executing such bond as the board shall require and approve, be the custodian of the funds of the district, and shall be entitled to demand and receive the same from the city treasurer from time to time as such funds may come to his hands. If the city treasurer shall fail promptly to comply with such demand he shall be deemed guilty of embezzlement and be subject to the pains and penalties thereof. The board may fix and pay the person so appointed treasurer a suitable compensation for his services.
Further proviso.	SEC. 11. The board of education shall have full power and authority to purchase school sites, improve and ornament the same, to hire or build and furnish school-houses, to establish and maintain schools, employ a superintendent, teachers, janitors and such other officers, agents and assistants as in their judgment may be necessary; to provide furniture, fuel, books, apparatus, tools and conveniences necessary or convenient for such schools; to fix the salary and compensation of the superintendent, teachers and other employés of the district. Said board shall
When board may appoint treasurer.	
Power and duties of.	
Compensation	
Power and authority of board of education.	

also have full power and authority to make by-laws and ordinances relative to taking the census of all children in said city, between the ages of five and twenty years; relative to making all necessary reports and transmitting them to the proper officers as designated by law, so that the said school district may receive its proportion of the primary school funds; relative to visitation of schools; relative to the length of time schools shall be kept, which shall not be less than nine months in each year; relative to the employment and examination of teachers, their powers and duties; relative to the officers and employes of said district, and to prescribe their powers and duties; relative to the regulation of schools, the course of study and the books to be used therein; relative to anything whatever that may advance the interests of education, the good government and prosperity of the schools in said city, and the welfare of the public concerning the same.

SEC. 12. Said board shall also have power to establish a high school, and to grant certificates of scholarship in such form as they may deem proper to pupils completing satisfactorily the course of study.

Power of, to establish high school, etc.

SEC. 13. Said board shall have the power and it shall be their duty annually, on or before the twentieth day of July in each year, to determine by a majority vote of all the members thereof, which said vote shall be entered in the records of their proceedings, the amount of money necessary to be raised by tax on the property of said district to defray the expenses of the schools of said district for the current year, and the amount of money to pay the interest and principal of any debt due in each year for such district, also the amount of money necessary to purchase sites for school buildings, and to build or repair any school-house in said district; and the comptroller of said Bay City shall cause the said amounts of money so voted to be assessed upon the taxable property of said city in the first general city tax-roll thereafter made, upon which general city taxes shall be assessed; and the comptroller shall have the same power and discharge the same duties as to the assessment of said school taxes that can or may be conferred or imposed by law upon him in relation to the general taxes of Bay City. Said taxes shall be collected at the same time and in the same manner as the other city taxes in said roll mentioned: *Provided*, That the amount which may be raised by tax in any one year for the expense of schools of said district, exclusive of such sum as may be required to pay the principal and interest of the bonded debt of said district, shall not exceed the sum of one per cent on the assessed valuation of said district according to the last preceding assessment roll of the city.

To determine amount necessary to defray expense, etc.

Comptroller to cause amount to be assessed, etc.

Taxes, how collected.

Provision as to amount.

SEC. 14. All taxes which have been or hereafter may be assessed and levied under and by virtue of this act, shall be set forth in the assessment roll of said city in a separate column, apart and distinguished from all other taxes; and the treasurer of said city shall collect said taxes in money. In the warrant required by law to be annexed by the comptroller to the tax-roll

Assessment roll, how made, etc.

Warrant.

Collection of taxes.	upon which such school taxes are assessed, said treasurer shall be commanded and it shall be his duty to levy and collect the school taxes in the same way and at the same time as the general city taxes. Said treasurer shall have and possess all the powers requisite to enforce the collection of said taxes which are given him by the laws of the State for the collection of other taxes. But said treasurer shall not receive in payment of said taxes any
Return, etc.	liability or evidence of debt against said city. The taxes remaining delinquent upon the said roll after the time allowed for the collection of the same, shall be in all respects returned, managed, treated, collected and enforced in the same way and manner as is provided by law for the return, collection and enforcement of the general city taxes of said city, and the provisions of the general tax laws of this State and of the charter of Bay City shall apply to and govern in the proceedings relative to the assessment, collection, enforcement and return of such school taxes, so far as the same may be applicable, except as in this act otherwise provided. The treasurer of the city shall demand and receive from the
Moneys received by county treasurer on account of said taxes.	county treasurer of Bay county all moneys collected or received by him for and on account of such school taxes, and all primary school funds apportioned to said district.
Board authorized to borrow money.	SEC. 15. The board of education of Bay City is hereby authorized from time to time to borrow money and to issue the bonds of said district therefor, for the purpose of purchasing sites for school-houses, ornamenting the same, and for building and repairing and furnishing school-houses thereon. No money shall be borrowed by said board of education until the same shall be approved by a majority vote of the tax-paying electors of said city. Said
When.	board shall not contract to pay interest upon any such loan at a greater rate than seven per cent per annum, and no bond shall be sold or negotiated by said board of education, or by any person or officer acting for said board, at less than par, and the interest accrued thereon up to the time of such negotiation and sale. Said loan shall not exceed one-half of one per cent on the
Interest, etc.	total valuation of property on the last preceding assessment roll of said city. Whenever said board of education shall deem it necessary to borrow money for the purposes mentioned in this section, they shall so declare by resolution; said resolution may be in the following form, viz.: " <i>Resolved</i> , That this board
Limit of loan.	deems it necessary to borrow the sum of.....
Form of resolution when board deems a loan necessary.	dollars upon the bonds of the district, for the purpose of (here state the purpose generally); such bonds to be made payable in not less than.....years, nor more than.....years, and to draw interest at the rate not exceeding....per centum per annum." The question of raising such money by loan may be submitted to a vote of the electors of said city, either at the regular annual election above provided for, or at a special election called for that purpose. If said board shall decide to call a special election for that purpose, said board shall thereupon by resolution direct such special election to be held in the several wards of said city, at a time and at a place in each ward respect-
When question may be submitted to electors.	

ively to be fixed by said board not less than twenty days thereafter. Thereupon the recorder of said city shall cause notice of such resolution, and of the time and places of holding such special election to be posted in three public places in each ward of said city, and to be published in one or more newspapers printed and circulated in said city for at least two weeks preceding the time fixed for holding such special election; such special election shall be held upon the day and at the places in each ward so designated in said notice. The vote upon the question of raising said money by loan shall be by ballot, having written or printed thereon the words "In favor of the loan," or "Against the loan." The election shall be conducted in the manner hereinbefore provided for. The inspectors in each ward respectively shall canvass the votes and certify the result of such election in such ward, to the board of education, and file the same with the recorder. The board of education shall canvass such certificates and declare the result of such election in the city. Proof by affidavit of the posting and publication of said notice shall be filed with the recorder. Such affidavit, and the certificates of the inspectors of such election and the action of the board of education in canvassing the same and declaring the result of such election, may be recorded at length upon the records of said board, and a certified copy of such record shall be *prima facie* evidence of the contents thereof, and the genuineness of the signatures thereto.

Notice.

Ballots.

Canvass, etc.

Record.

SEC. 16. All property, rights and credits now held or existing in said union school district, or in the board of education, are hereby confirmed and continued in said district, and shall be in no way affected or impaired by the passage of this act. Taxes levied for and on account of the present school district of Bay City, or other proceedings had for the collection or enforcement thereof, shall not be in any way affected by the passage of this act, but the same shall be continued and enforced in the same way and manner as now provided by law.

Property rights, etc., confirmed.

SEC. 17. All the debts and liabilities of the present school district of said city, whether in the form of bonds or other express contracts, or in any other form, and whether liquidated or not, shall continue to be the debts and liabilities of said union school district of Bay City, to the extent of their present validity.

Validity of liabilities, etc.

SEC. 18. All orders drawn on the treasurer for school money shall be drawn and signed by the recorder and countersigned by the comptroller. The comptroller, city treasurer, and all the employes of the board of education shall take notice officially of the acts, orders and proceedings of said board.

Orders, how drawn.

Official notice of acts.

SEC. 19. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Acts repealed.

This act is ordered to take immediate effect.

Approved April 13, 1887.

[No. 430.]

AN ACT to detach certain pieces and parcels of land of section eighteen of the township of Lyons and county of Ionia from fractional school district number one of the townships of Lyons and Ionia, and attach the same to school district number ten of the township of Lyons.

Lands detached
and attached,
description of.

SECTION 1. *The People of the State of Michigan enact*, That all those pieces and parcels of land of section eighteen of the township of Lyons and county of Ionia, lying within the corporate limits of the village of Muir, be and the same is hereby detached from fractional school district number one of the townships of Lyons and Ionia, and attached to school district number ten of the township of Lyons, and shall hereafter form a part of the last mentioned school district.

This act is ordered to take immediate effect.

Approved April 15, 1887.

[No. 431.]

AN ACT to change the several names of Peter Curtis, Clarisse Curtis, Peter Curtis, jr., Eva Curtis, Mari Blanche Curtis, and Sophia Curtis to Peter Couture, Clarisse Couture, Peter Couture, jr., Eva Couture, Mari Blanche Couture, and Sophia Couture, respectively.

Names changed.

SECTION 1. *The People of the State of Michigan enact*, That the several names of Peter Curtis, Clarisse Curtis, Peter Curtis, jr., Eva Curtis, Mari Blanche Curtis, and Sophia Curtis, of An Sable, Iosco county, Michigan, be and the same are hereby changed to Peter Couture, Clarisse Couture, Peter Couture, jr., Eva Couture, Mari Blanche Couture, and Sophia Couture, respectively.

This act is ordered to take immediate effect.

Approved April 15, 1887.

[No. 432.]

AN ACT to incorporate the village of Hadley in the county of Lapeer and State of Michigan.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory situated in the township of Hadley in the county of Lapeer and State of Michigan and described as follows, to wit: The west one hundred and twenty acres of the southwest quarter of section three, the entire southeast quarter of section four, the east half of the southwest quarter of section four, the east half of the northwest quarter of section nine,

the entire northeast quarter of section nine, and the west one hundred and twenty acres of the northwest quarter of section ten, all in town number six, north of range nine east, be and the same is hereby constituted a village corporate to be known as the village of Hadley.

SEC. 2. The first election of officers of said village shall be held on the fourth Tuesday in April in the year eighteen hundred and eighty-seven, at the Hadley town hall in said village, ten days' previous notice of which shall be given by the board of registration hereinafter appointed, or any of them, by posting such notice in three public places in said village. First election.
Notice.

SEC. 3. Subsequent village elections shall be held in said village on the second Monday in March in each year. Subsequent elections.

SEC. 4. James H. Hemingway, William A. Henderson and Albert S. Moorland are hereby constituted a board of registration for the purpose of registering the voters for the first election to be held in said village, and they are hereby required to meet on the Saturday preceding the time herein provided for holding the first election in said village, at the town hall aforesaid, and register the names of all persons residents of said village presenting themselves for registration having the qualifications of voters at annual township meetings. Board of registration.
Meeting of Board.

SEC. 5. If, for any reason, the said election shall not be held at the time hereinbefore specified, it may be held at any time within one year thereafter by giving the notice above required. Election may be held at other than time specified.

SEC. 6. The said village of Hadley shall in all things be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporate villages," approved April first, in the year eighteen hundred and seventy-five, and acts amendatory thereto. Governed by general law.

This act is ordered to take immediate effect.

Approved April 15, 1887.

[No. 433.]

AN ACT to legalize an ordinance to prescribe certain fire limits in the village of Imlay City, Lapeer county, State of Michigan, and to provide penalties for the violation thereof.

SECTION 1. *The People of the State of Michigan enact, That the following ordinance concerning fire limits of and in the village of Imlay City, Lapeer county, be and the same is hereby declared to be legal and valid in every respect: Provided, That the words "shall be deemed guilty of a misdemeanor, and," in section five of said ordinance shall be inoperative and void:* Ordinance legalized.
Provido.

AN ORDINANCE to prescribe certain fire limits in the village of Imlay City, Lapeer county, State of Michigan, and to provide penalties thereof. Ordinance.

(SECTION 1.) The fire limits within the village of Imlay City, Fire limits.

	Lapeer county, shall extend on both sides of Third street to Main street to Almont avenue, and upon both sides of avenue from Third street to Fourth street, back from end of said streets one hundred and twenty-five feet.
Walls and roofs of buildings, how to be constructed.	(SEC. 2.) The walls of all buildings or structures built or erected within said fire limits, or of any building or structure erected elsewhere and moved within said fire limits, shall be constructed of brick or stone, and shall rise at least six feet above the roof of such structure, and the roof of any such structure shall be made of slate, metal or concrete.
Violation.	(SEC. 3.) No person or persons shall build, remove or attempt to build or remove any structure within said fire limits in violation of the foregoing sections.
In case of violation, the structure to be declared a nuisance.	(SEC. 4.) Upon the conviction of any person or persons in court of competent jurisdiction of a violation of any provisions of the preceding sections, the village constable shall procure a duly certified copy of the records of such court, and forthwith present the same to the board of trustees of the village of Imlay City, whereupon the board shall declare any structure so erected, begun or removed, to be a nuisance, and the village constable shall, under direction of the said board of trustees, abate and remove the same.
Constable to abate or remove.	(SEC. 5.) Any person or persons who shall erect or attempt to erect or build or attempt to erect or build, or remove or attempt to remove or cause to be removed from place to place within said fire limits, or to remove from without said fire limits to any place within the same, any building or structure in violation of the provisions of this ordinance, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than fifty dollars, and not more than one hundred dollars, or in default of such payment shall be imprisoned in the county jail of the county of Lapeer not less than sixty days, nor more than ninety days, or shall suffer both such fine and imprisonment in the discretion of the court.
Punishment.	(SEC. 6.) The village constable shall and any other person may make complaint against any person or persons violating this ordinance.
Who may make complaint.	(SEC. 7.) All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.
Ordinances repealed.	This act is ordered to take immediate effect. Approved April 15, 1887.

[No. 434.]

AN ACT to amend act number three hundred and seventy-five, passed at the session laws of eighteen hundred and eighty-five, bearing title to revise and amend the charter of the city of Wrentham, City, and to repeal all acts and parts of acts in conflict with, by amending sections one and three of title one

ing the boundaries and providing for a new ward therein to be numbered sixth ward, and by adding a new section thereto to be numbered section four, and by amending section eight [8] of title three [3], sections eight, seventeen, twenty-two, twenty-three, and forty-three of title five; entire title eleven, by substituting a new title therefor to stand as title eleven; section three and the title of title twelve; section three of title thirteen; section twelve of title fourteen of an act entitled 'An act to revise and amend the charter of West Bay City and to repeal all acts and parts of acts in conflict therewith,' being act number three hundred and seven of the session laws of eighteen hundred and eighty-five, approved April first, eighteen hundred and eighty-five, and to add a new title thereto containing sections one to eight inclusive to stand as title eighteen thereof.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
 sections one and three of title one be amended and a new section added thereto to be numbered section four, and that section eight of title three [3]; sections eight, seventeen, twenty-two, twenty-three and forty-three of title five; entire title eleven, by Titles amended.
 substituting a new title therefor to stand as title eleven; section three and the title of title twelve; section three of title thirteen; section twelve of title fourteen of an act entitled 'An act to revise and amend the charter of West Bay City and to repeal all acts and parts of acts in conflict therewith,' being act number three hundred and seven of the session laws of eighteen hundred and eighty-five, approved April first, eighteen hundred and eighty-five, be amended so as to read as follows, and Title added.
 a new title added thereto containing sections one to eight inclusive to stand as title eighteen thereof.

TITLE I.

SECTION 1. So much of the county of Bay, in the State of Michigan, to wit: Beginning at a point in the middle of the Saginaw river where the north line of section fourteen, town fourteen north, of range five east, crosses said river, thence southerly along the middle of the Saginaw river to the island in said river known as the Middle Ground, thence to and through the center of said island to the southerly shore of said island, thence to and through the center of the Saginaw river to a point where the south line of section thirty-two, town fourteen aforesaid, crosses said Saginaw river, thence west on the south line of section thirty-two to the southwest corner thereof, thence north along the west side of sections thirty-two, twenty-nine and twenty, town fourteen aforesaid, to the northwest corner of said section twenty, thence east along the north line of said section twenty to the quarter post of said section twenty, thence north along the quarter line of section seventeen, town fourteen aforesaid, to the north line of said section seventeen, thence east along Territory of West Bay City described.

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the north side of the east half of said section seventeen and north line of sections sixteen, fifteen and fourteen to the place of beginning, be and the same is hereby declared to be a city by the name of West Bay City.

Wards.
First.

SEC. 3. The said city shall be divided into six wards as follows, to wit: The first ward shall embrace all that portion of the city within the following described limits, to wit: Beginning at the center of the Saginaw river where the north line of section fourteen, town fourteen north, of range five east, crosses said river, running thence west on the north line of sections fourteen, fifteen and sixteen, to the northwest corner of the northeast quarter of the northwest quarter of said section sixteen, thence south on the sub-quarter line to the southeast corner of the northwest quarter of the southwest quarter of said section sixteen, thence south forty-one degrees and twenty minutes east, between the lands of John Bourn and the Keystone Lumber and Salt Manufacturing Company, to the center of the Saginaw river.

Second.

The second ward shall embrace all that portion of the city contained in section sixteen not included in the first ward, the east half of section seventeen, the north half of the northeast quarter of section twenty, and all of section twenty-one north of the center line of Dunbar street in Litchfield's addition to the village of Wenona, to railroad track, and north of the north line of said Dunbar street if extended easterly from railroad track to the center of the Saginaw river. The third ward shall embrace all

Third.

that portion of the city contained in sections twenty and twenty-one north of the center line of Jane street, in the plat of Lake City, from the center of the Saginaw river to Center street, which street is on the quarter line running north and south through said section twenty, the said quarter line being the west line of said ward, and the north line of said ward shall be the south line of the second ward hereinbefore described, lying east of said Center street. The fourth ward shall embrace all that

Fourth.

portion of the city contained in section twenty south of the center line of said Jane street extended west to the west line of said section twenty and east to the center of the city limits, also the north half of the north half of the northwest quarter of section twenty-nine, and that part of the plat of Salzburg north of the center line of Ninth street extended to the center of the Saginaw river. The fifth ward shall embrace all that portion of the

Fifth.

city contained in section twenty-nine not included in the fourth ward, and all of section thirty-two within the city of West Bay City. The sixth ward of said city shall embrace that portion of land lying between the center line of Center street on the quarter line of section twenty and the west boundary line of section twenty, and lying between the center line of north Union street and the north line of the fourth ward hereinbefore described, being the entire northwest quarter of section twenty [20], and all that part of the southwest quarter of said section twenty [20] lying north of the center line of Jane street.

Sixth.

SEC. 4. There shall be a special election by the electors of said

sixth ward held in said sixth ward on the twenty-seventh day of April, eighteen hundred and eighty-seven, for the election of ward officers, which election shall be held in like manner to all intents and purposes as the annual city and ward elections in the several wards in the city. At said special election George A. Men. John W. Babcock and E. J. Pfeifer shall be inspectors of election, and they shall appoint such clerk or clerks as may be necessary; at which election there shall be elected two aldermen to represent said ward in said city, one of whom shall be elected to serve until the first Monday in April, eighteen hundred and eighty-eight, and the other to serve until the first Monday in April, eighteen hundred and eighty-nine. Thereafter there shall be elected at each annual city election one alderman, who shall serve for the term of two years. There shall also be elected at said special election two members of the board of education of said city, who shall hold their offices until the second Monday in July, eighteen hundred and eighty-seven, on which day there shall be elected two members of the board of education of said city, one of whom shall hold his office for one year, and the other for two years, and at each annual board of education election on the second Monday of July thereafter there shall be elected one member of the board of education who shall hold his office for the term of two years from and after the day of his election. There shall also be elected at said special election in said sixth ward, by the electors thereof, one supervisor, one constable and three inspectors of election, each of whom shall hold his office until the first Monday of April, in the year of our Lord eighteen hundred and eighty-eight, and said sixth ward shall thereafter act like officers and be subject to all the rights, duties, privileges and obligations as provided for the other wards in said city.

Special and other elections in sixth ward.

Inspectors.

Officers to be elected and terms of office.

TITLE III.

SEC. 8. The elective officers of said city shall be one mayor, one treasurer who shall be city collector, one recorder who shall be city clerk, one comptroller who shall be city assessor, and four justices of the peace, all of whom shall be elected by the qualified electors of the whole city, at the annual city election immediately preceding the time when the term of their offices respectively expires. There shall also be elected at each annual election, by the qualified electors of each ward, one alderman, who shall hold his office for two years, one supervisor, one constable, and three inspectors of election, who shall hold their respective offices for one year, and until their successor is elected and qualified: *Provided*, The inspectors of election shall be elected in the manner provided in section four, title two of this act.

Elective officers of city and wards.

Proviso.

TITLE V.

SEC. 8. The recorder shall be the general accountant of the city, and all claims against the city shall be filed with him for

Recorder to be general accountant of city.

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adjustment. After examination thereof he shall report to the council with all accompanying vouchers and counter claims of the recorder and the true balance as found by him, to the council for its consideration, and, when allowed, shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made. When any tax or money is levied, raised or appropriated, the recorder shall report the amount thereof to the comptroller and city treasurer, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund.

COMPTROLLER.

Comptroller to make tax rolls.

SEC. 17. The comptroller of said city shall make and keep the tax rolls of the county, school, city and local tax-rolls, and shall have the power and authority and shall perform the same duties as the comptroller of townships, as far as the assessment of taxes, the levying, collecting, and certifying to rolls, and attaching warrants for the collection of taxes thereto, are concerned. He shall be a member of the board of supervisors of Bay county, and shall perform such other duties as by this act shall be required of him.

CITY ATTORNEY.

Additional duties of the city attorney.

SEC. 22. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council of all officers of the city, and shall act as the attorney and counsel for the city in all legal proceedings in which the city is interested, and he shall prosecute for offenses against the ordinances of the city.

CITY SURVEYOR.

Duties of city surveyor.

SEC. 23. The city surveyor shall have and exercise with respect to the city the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys, and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city for the improvement of the public improvements, buildings, grounds, and streets of the city, and he shall be authorized and required by the council to superintend the public works, under the direction of the board of public works.

Compensation of city officers.

Provided.

SEC. 43. Compensation for the services of officers of the city may be paid out of the city treasury in such sums as the council shall allow: *Provided*, That the recorder shall not receive more than seven hundred dollars per annum; the city treasurer shall not exceed four hundred dollars per annum; the clerk of the council shall not exceed six hundred dollars per annum besides his per diem as a member of the board of supervisors; the harbor master shall not exceed one hundred dollars per annum; the street commissioner

to exceed two [2] dollars per day for each day actually employed under the direction of the street committee or the board of public works; the mayor and aldermen not to exceed one dollar for each meeting of the council which they may attend, and that they shall receive no pay for committee work or other compensation or allowance whatever. The marshal shall be entitled to receive the same fees for serving process in behalf of the city as constables are allowed by law for similar services, and shall receive such further compensation as the common council shall allow, not exceeding six hundred dollars per annum. The assessor, justices of the peace and constables shall be allowed the same fees as are allowed by law to corresponding township officers, unless in this act otherwise provided. The other officers appointed by the common council may receive such compensation as the common council may direct.

TITLE XI.

SEWERS, DRAINS AND WATER COURSES.

SECTION 1. The common council, upon the recommendation of the board of public works, may establish sewers and drains wherever and whenever necessary, and under the direction and superintendence of said board of public works may construct, maintain, enlarge, rebuild and repair sewers and drains whenever and wherever necessary, and of such dimensions and materials

Common council may establish sewers, etc.

under such regulations as they may deem proper for the drainage of the city and private property, or the use thereof may be made therefor in the manner prescribed in this act or in the manner prescribed by the general laws of the State for taking such property for public use, but in all cases where the council shall find it practicable such sewers and drains shall be constructed in public streets and grounds.

Private property may be taken.

SEC. 2. Whenever it may become necessary, in the opinion of the board of public works hereinafter named, to provide sewerage or drainage for the city, or any part thereof, it shall be their duty to devise, or cause a plan of drainage to be devised, for the whole city, or for such part thereof as they shall determine.

Board of public works to devise plans.

SEC. 3. Such plan shall, in the discretion of the board of public works, be formed with a view of the division of the city into sewer districts, each to include one or more main and principal sewers, with the necessary branches or connections, the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats or diagrams of such plan, when adopted, shall be filed in the office of the recorder.

To divide city into sewer districts, etc.

SEC. 4. Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with a main sewer, and such lands as in the opinion of the board of public works will be benefited by the construction thereof. When deemed necessary, special sewer districts, to include one or more

local branch sewers, and such lands as in the opinion of the board of public works will be benefited by the construction thereof, may be formed of territory not included in any main sewer district.

Main or trunk
sewers.

SEC. 5. The board of public works may, however, provide for main or trunk sewers without reference to sewer districts, diagrams or plats of which shall be recorded in the office of the recorder in the book of sewer records.

Cost of main
sewers, how
paid.

SEC. 6. The cost and expenses of establishing and making any main or trunk sewers, constructed without reference to sewer districts, shall be paid out of the general fund. Such part as the council shall determine, being not less than one-sixth of the cost and expense of any main sewer, or of the cost of any branch or local sewer, constructed within a special sewer district, shall be paid from the general fund, and the remainder of such cost and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

Cost of branch
sewers, how
paid

Assessments,
how made.

Expense of
laterals, how
assessed.

SEC. 7. The expense of building or constructing any lateral sewer shall be assessed upon the real estate drained by such sewer, according to the benefits to the property derived therefrom.

Plats to be
made.

SEC. 8. Before proceeding to the construction of any district or lateral sewer, the board of public works shall cause a diagram and plat of the whole sewer district to be made, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof, and report to the common council for their action thereon. The common council shall give notice by publication for at least two weeks, in one of the newspapers of the city, or in Bay county, of the intention to construct such sewer, and where said diagram and plat may be found for examination, and of the time when the council will meet and consider any suggestions and objections that may be made by parties interested, and with respect to such sewer.

Notice of in-
tention to con-
struct.

Council to
declare by
resolution
route, etc.

SEC. 9. When the council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district, and describing, by reference to the plat and diagram thereof mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expenses of the sewer shall be paid from the general fund, and what part shall be defrayed by special assessment, according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the recorder, in the book of sewer records.

Plat to be
recorded.

Special assess-
ments.

SEC. 10. Special assessment for the construction of sewers

shall be made by the comptroller in the manner provided in this act for making special assessments.

SEC. 11. When the owners of a majority of the lands in value, as indicated by the last preceding assessment roll, liable to taxation in any sewer district, or part of the city which may be constituted a sewer district, shall petition for the construction of a sewer therein, the council shall construct a district sewer in such location; and if the lands including the line of such proposed sewer are not within any sewer district, a district shall be formed for that purpose. All such sewers shall be constructed in the manner hereinbefore provided for the construction of sewers in said city.

District sewers may be constructed on petition, etc.

SEC. 12. Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises, and to keep such private drains in repair, and free from obstruction and nuisance; and if such private drains are not constructed and maintained according to such requirements, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Council may require owners or occupants of lots to construct drains, etc.

Council may construct, and collect expense.

SEC. 13. The owners or occupants of lots and premises shall have the right to connect the same at their own expense, by means of private drains, with the public sewers and drains, under such rules and regulations as the board of public works shall prescribe.

Owners, etc., may construct drain, etc.

SEC. 14. The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such drain; and such charge shall be a lien upon the premises, and may be collected by special assessment thereon, or otherwise.

Council may charge for connecting private drain with public sewer.

SEC. 15. Such part of the expense of providing ditches and improving water-courses as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

Part of expense of ditches, etc., may be assessed on lands benefited.

SEC. 16. The expenses of repairing public sewers, ditches and water-courses may be paid from the general fund. The expenses of reconstructing public sewers shall be defrayed in the manner herein prescribed for paying the expense of the construction thereof.

Expense of repairing public sewers, etc., how paid.

SEC. 17. The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage of the city.

Protection and control of sewers.

SEC. 18. For constructing sewers, under the provisions of this act, the common council shall have power within the limitations prescribed by this act, to issue bonds upon the faith and credit of said city, in such forms and sums as the common council shall direct.

Council may issue bonds to construct sewers.

TITLE XII.

OF STREETS AND PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS.

Council has power to grade streets, build reservoirs, etc.

SEC. 3. The common council, on the recommendation of the board of public works, shall have power to cause arches and bridges, wells and pumps and reservoirs, to be built in any part of the city; to grade, gravel, raise, level, repair, amend, pave, or cover with broken or pounded stone, plank, or other material any street, lane, alley, highway, public grounds, crosswalks, or sidewalks, and to provide for the planting and protecting of shade trees along the sides of the streets and public grounds in said city; to cause sewers and drains to be constructed wherever and whenever necessary, and to cause any lots, blocks or land within said city, on which or any part of which water shall stand and become stagnant, to be raised, filled up, or drained, and whenever the common council shall order any of the improvements that are mentioned in this section, or any title or section of this act, then such expenses of making any such improvement may be assessed and levied upon the lots, premises, and sub-divisions thereof which are in front of or adjoining such streets, sidewalks, and other improvements that may be ordered by the common council, or upon the lots, blocks, property, or lands benefited by the construction of such sewers and drains, or which may be in whole or in part filled up or drained; and the common council shall have power to make all by-laws and ordinances relative to the mode of assessing, levying and collecting any such tax, and may provide by ordinance for assessing such tax in the general assessment rolls of said wards, which tax shall be and remain a lien upon the land, and if not paid the land may be sold therefor in the same manner as provided for ordinary city taxes.

Expenses, how paid.

TITLE XIII.

Board of review of assessments.

SEC. 3. The comptroller, mayor, and senior alderman of each ward shall constitute a board of review of assessments; the mayor shall be chairman of said board. On the third Monday in June, said board shall meet at the office of the recorder, and there proceed to review and correct the annual assessments made by the comptroller of the city, as aforesaid, and for that purpose said board shall have the same powers and perform the same duties in all respects, except attaching warrants, as supervisors of townships have in reviewing and correcting the assessments made by them. Said board of review shall continue in session during the entire week, for the purpose of completing such review, and during the first day of their session they shall correct any errors they may find in the assessment roll, and equalize, alter, amend and correct any assessment or valuation, and place upon said roll any taxable property, real or personal, not already assessed, held or owned by any person or persons, and strike from said roll any property

Session of.

wrongfully thereon; then during the next four succeeding days any person interested may be present and make appeals and be heard, and on sufficient cause shown by any person said board may alter, amend and correct any assessment or valuation and they shall during said four days have power to equalize, alter, amend and correct any assessment or valuation the same as on the first day of the review; and on the succeeding Saturday the board shall correct any errors that remain in the names of owners or in the description of property or any other technical or ministerial errors and do whatever else may be necessary to make said roll comply with the provisions of this act. Notice of the time and place of the meeting of said board for the purpose aforesaid shall be given by the recorder by publication in a newspaper published in said city, or Bay county, at least one week before the time for the review, and the said comptroller shall place his assessment roll in the hands of the recorder of said city on the Saturday preceding such review day, for the use of such board of review, and after such review is completed the recorder shall deliver said assessment roll to the comptroller, to be used by him in making the copies which are required by this act.

Power to alter assessments, etc.

Notice of meeting.

TITLE XIV.

SEC. 12. The common council shall have power and authority to make and establish all necessary by-laws for the assessment and collection of taxes, and every local, special or general assessment, or tax lawfully imposed by said common council, on any lands, tenements, hereditaments or premises whatever in said city. It shall be the duty of the common council on the first Monday in May of each year, or as soon thereafter as practicable, to determine, by resolution to be termed the annual appropriation bill, the amount necessary to be raised by tax for the following general purposes in said city, viz.: For contingent expenses, fire department, water-works, police and general sewer funds, the erection of public buildings or parks and the purchase of lands therefor, cemetery, interest and sinking fund and for paying any liabilities which may have been incurred by said city. The common council may raise by tax, to be levied upon the real and personal property within said city, such amounts so determined, not exceeding one per cent on the dollar, exclusive of interest on the bonded debt of the city and fire department taxes, on the assessed valuation of such real and personal estate, within the limits of the city, according to the valuation thereof, taken from the assessment roll of that year, which amounts, determined as aforesaid, shall be entered at large on the records: *Provided*, That by four-fifths vote of all the members elect of the common council they shall have power to increase the aggregate to be raised to one and one-quarter per cent on the dollar of the assessed valuation of the city; and the common council, in addition to the other amounts herein authorized to be raised, shall determine the amount necessary to be collected in each ward

Power of council to make by-laws, etc., relative to assessments, etc.

Duty of, to determine amount necessary to be raised.

Limit of amount.

Proviso as to increasing above limit.

respectively, for ward purposes, including expenses for paving, not exceeding two per cent in any one ward, but all ward and highway taxes shall be passed to the credit of and expended in the ward in which they may be collected.

TITLE XVIII.

BOARD OF PUBLIC WORKS.

Board to consist of three members.

First board and term of office.

Following boards.

Organization of board, etc.

Correlative duties of board and council in the matter of improvements, etc.

Idem.

SECTION 1. There shall be created and constituted a board of public works in and for the city of West Bay City, composed of three members, who shall serve without compensation. The first board of public works shall consist of the persons hereinafter named, who shall hold their offices for the term designated opposite their respective names, all of which terms shall commence on the first Monday in April, in the year of our Lord eighteen hundred and eighty-seven, or as soon thereafter as this act shall take effect. Henry H. Norrington for the term of three [3] years, Fitzland L. Wilson for the term of four [4] years, and George L. Mosher for the term of five [5] years, and until their successors are appointed and qualified, and at the expiration of their terms of office and annually thereafter the common council shall appoint a member of such board for the term of three years, and in case of a vacancy in said board for any cause, the vacancy shall be filled by the appointment of a member for the unexpired term by the common council. Said board shall organize and appoint one of their number president, and the common council shall thereupon, and at all times thereafter, provide the board with suitable office room for its meetings and business uses, and supply record books, stationery, and other things necessary for the transaction of the public business in charge of said board, and provide for the payment in like manner as other accounts against the city, of all necessary and lawful expenses incurred by said board.

SEC. 2. Said board of public works shall (after the said public improvements have been first duly ordered by the common council) have supervision and charge of the construction and repair and extension of all main and lateral sewers and drains; the erection, alteration and repair of all engine houses, police stations, city halls and other public buildings of every description in said city, except school-houses and buildings for water-works; the deepening and cleaning of ditches and gutters; the cleaning, repairing, grading, paving, planking, graveling, or covering with other material of all streets and alleys; the laying out and improvement of all parks and public grounds; and shall, in addition thereto, exercise such other powers and perform such other duties in the superintendence, construction and care of public works and improvements, as they may deem for the best interests of the city.

SEC. 3. Whenever the common council of said city shall have decided upon the making of any such public improvement, it shall

so declare by resolution, and the board of public works, with all convenient dispatch, shall determine as to the particular kind, and estimate the quantity of materials to be needed therefor, and estimate in detail the probable cost and expense of such work and of the material to be used therein, and make a record thereof in their office, and cause to be prepared, so far as necessary, plans and specifications for such work or improvement, and report their determination and estimate to the common council. When such plans and specifications have been submitted to the common council and adopted by it the said board of public works shall, except in the case of the cleaning and deepening of ditches and gutters, and the repair of streets, advertise for proposals for the furnishing of material and for the performance of such work, and may require all bidders to furnish security for the performance of proposals tendered to said board if the bid is accepted, and also security for any contract awarded; and all bids submitted to said board shall be publicly opened by it, and as soon as may be thereafter reported by the said board, together with its recommendation in respect thereto, to the common council; and no contract shall be let by the said board until it is thereunto duly authorized by the common council.

SEC. 4. All contracts made by said board shall be in the name Contracts. of the city of West Bay City, be first approved as to form by the city attorney, and be executed by the president and clerk of said board; and when made, such board shall, in behalf of the city, have direction of the performance thereof. The board reserve the right in all contracts to determine all questions as to the proper performance of such contracts, and as to the completion of the work specified therein; and in case of the improper, dilatory, or imperfect performance thereof, to suspend work at any time, to order the partial reconstruction of the same if improperly done, to re-let the work covered by said contract, or any unfinished portion thereof, or by its employes to take possession and complete the same at the expense of the contractor. It shall also have the right by proper provisions in all contracts to retain a sufficient amount from the contract price to pay and discharge all debts incurred by the contractor for labor performed upon any public work; and upon the failure of the contractor to pay the same to make payment thereof to the parties entitled thereto, and charge the amounts so expended against the contract price. Said board of public works is hereby Prosecutions for breach of. authorized to commence and prosecute in the name of said city any suits or proceedings for the recovery of damages for the breach of any such contract entered into by said board, or to enforce the performance of any such contract.

SEC. 5. Said board shall have the power to appoint a competent engineer who shall make all surveys required for the laying Board to appoint engineer. out, construction, alteration, repair, and improvement of sewers, and prepare all necessary plans, profiles, and specifications therefor, as required by the said board of public works, or by any other lawful authority of said city. Said engineer may, subject to the Assistants. approval of the board of public works, appoint such assistants

Persons to supervise work.	<p>under him as are required for the proper and prompt performance of his duties, and discharge such assistants at pleasure. Said board shall also have the power to appoint suitable persons who shall have the personal supervision of the construction and repair of public buildings; the grading, paving, improving, cleaning, and care of streets, alleys, and public grounds; and the cleaning and deepening of ditches, drains, and gutters; and such other subordinates as may be necessary to enable the board to properly perform the duties devolving upon it. Said board shall fix the compensation of said engineer and other appointees of said board.</p>
Compensation of appointees.	
Board to keep a detailed account.	<p>SEC. 6. The said board shall classify the various work under its control, and keep an accurate account of the cost of each, of the amounts expended for construction, repairs, superintendence, and salaries of employes, and also detailed accounts of other matters under its charge and control, and upon the Tuesday of January in each year, and oftener, if required by the common council, submit to it, a statement showing in detail the progress and condition of all public improvements commenced or carried forward by said board; the character and amount of all contracts made by the board; the moneys earned and expended thereon; and all other information necessary to the full understanding of the business conducted by said board. The board shall from time to time also make estimates of the amounts earned and payable upon any contract for work done and materials furnished, with other necessary expenses attendant thereon, and report the same to the common council; and thereupon it shall be the duty of the common council to order the amount reported to be paid from the proper funds by an order drawn on said board and signed by the mayor and recorder of the city, which order on presentation to the city treasurer shall be charged by him to the proper fund and credited to the board of public works subject to the order of said board.</p>
To make report to council.	
Council to order payment of accounts.	
Duties of city attorney and recorder relative to board of public works.	<p>SEC. 7. The city attorney shall act as legal adviser of the board; and the city recorder may be by himself or his deputy, or he may be appointed, the clerk thereof; and shall keep a record of its proceedings, showing the vote by ayes and nays of each member upon every motion brought before or determined by said board; which record shall at all times be open to public inspection; and a copy thereof published within five days after each session, in a newspaper of the city or in Bay county. A majority of the board shall form a quorum for the transaction of business; but a majority of all members constituting said board shall be necessary to decide any questions before the same.</p>
Power of board to make by-laws, etc.	<p>board shall have the power to make all such by-laws, rules and regulations as may be necessary or expedient for the conduct of its business. It shall have the power to fix the duties, and any to suspend or discharge any of its appointees or employes, to appoint or employ others in their place, as to the said board, when in the public interest may seem to require.</p>

SEC. 8. No member of said board shall be personally interested

either directly or indirectly, in any contract for any public work in said city; nor in the purchase, sale, or disposition of any material to be used or applied in or about any public work or improvement. Any member of said board may be at any time removed by the common council of said city for official misconduct, or for the unfaithful or inefficient performance of the duties of his office: *Provided*, That the charges against the said member sought to be removed, and the notice of the time and place of hearing, the same shall be served on him at least ten days previous to the time so assigned, and an opportunity given him to make his defense.

Members of board not to be interested in contracts, etc.

Members may be removed.

Proviso.

This act is ordered to take immediate effect.

Approved April 16, 1887.

[No. 435.]

AN ACT to amend sections one, three, five, seven, eight, fifteen, nineteen, thirty-two, sixty-nine, eighty-four, ninety-five, ninety-eight and one hundred and four of an act entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, and to add twenty-three new sections thereto to stand as sections one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy, and one hundred and seventy-one, and to repeal sections ninety and one hundred and one of said act.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three, five, seven, eight, fifteen, nineteen, thirty-two, sixty-nine, eighty-four, ninety-five, ninety-eight, and one hundred and four of an act entitled "An act to revise an act to incorporate the city of Bay City," approved March thirty, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, be and the same are hereby amended so as to read as follows; also that twenty-three new sections be added to stand as sections one hundred forty-nine, one hundred fifty, one hundred fifty-one, one hundred fifty-two, one hundred fifty-three, one hundred fifty-four, one hundred fifty-five, one hundred fifty-six, one hundred fifty-seven, one hundred fifty-eight, one hundred fifty-nine, one hundred

Sections amended.

Sections added.

sixty, one hundred sixty-one, one hundred sixty-two, one hundred sixty-three, one hundred sixty-four, one hundred sixty-five, one hundred sixty-six, one hundred sixty-seven, one hundred sixty-eight, one hundred sixty-nine, one hundred seventy, and one hundred seventy-one, and to repeal sections ninety and one hundred and one of said act:

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all the district of country in the county of Bay and the State of Michigan, embraced within the limits constituting the present territory of Bay City, and hereafter particularly described, is hereby constituted and still declared to be a city by the name of Bay City, said district of country being included within the following limits, to wit: Beginning at a point in the middle of the Saginaw river where the section line between sections fourteen and fifteen, in town fourteen north, of range five east, crosses said river, thence southerly on a line between said sections fourteen and fifteen, twenty-two and twenty-three, to the Nababosh reservation line, thence east about eighty rods along said reservation line to the north and south half-quarter line in the west half of section twenty-three, thence south along said half-quarter line to the east and west section line between sections twenty-three and twenty-six, thence west along the said last named section line to the northeast corner of section twenty-seven, thence south along the east line of section twenty-seven, in said township, to a point where the center line of Fifteenth street extended east would intersect said section line, thence west along the center line of Fifteenth street to the north and south quarter line of said section twenty-seven, thence southerly on said quarter lines of said sections twenty-seven and thirty-four to the center of section thirty-four, thence westerly on the quarter line to the west section line of said section thirty-four, thence southerly on the section line between sections thirty-three and thirty-four to the southeast corner of section thirty-three, thence westerly on a line between sections thirty-three and section four to the quarter line of said section four, in township thirteen north, of range five east, thence southerly on the quarter line through sections four and nine to the center of said section nine, thence westerly on the quarter line through sections nine and eight, in said last named town, to the center of the Saginaw river, thence northerly and easterly upon a line passing along the center of the Saginaw river to and through the center of the island in said river known as the Middle Ground, and from thence to and along the center of said river to the place of beginning.

Division into
wards.

First ward.

Second ward.

Third ward.

SEC. 3. The said city shall be divided into eleven wards. The first ward of said city shall include all that portion of said city lying north of the continuous line of the center of Second street and west of the center line of Johnson and Belinda streets. The second ward shall comprise all that portion of said city lying between the center line of Second street and the center line of Fifth street, and west of the center line of Lincoln street. The third ward of said city shall embrace all that part of said city

ng between the center line of Tenth street and a line on the
 rth commencing in the center of Saginaw river where the center
 e of Seventh street intersects the same, thence east along the
 nter line of Seventh street to the center line of Van Buren street,
 ence north along the center line of Van Buren street to the
 nter line of Sixth street, thence east along the center line of
 rth street to the center line of Lincoln street, thence south along
 e center line of Lincoln street to said center line of Tenth street:
 e fourth ward of said city shall embrace all that part of said **Fourth ward.**
 y lying between the center line of Tenth street and the center
 e of Fifteenth street, west of the center line of Lincoln street.
 e fifth ward shall embrace all that part of said city between **Fifth ward.**
 e center line of Fifteenth street and the center line of Twenty-
 arth street west of the north and south quarter line in section
 enty-eight and thirty-three, in township fourteen north of range
 e east. The sixth ward shall embrace all that portion of said **Sixth ward.**
 y lying south of the center line of Twenty-fourth street extended
 ross said city, and the line between fractions two and three in
 ction thirty-two, town fourteen north, range five east, extended
 the east line of said city. The seventh ward shall comprise all **Seventh ward.**
 at portion of said city lying south of the extended east and
 st line, between said fractions two and three, and the southern
 its of said city. The eighth ward shall embrace all that por- **Eighth ward.**
 n of said city lying between the extended line of Fifteenth
 eet and Twenty-fourth street, and east of the north and south
 arter line of sections twenty-eight and thirty-three hereinbefore
 entioned. The ninth ward shall be bounded as follows: On **Ninth ward.**
 e north by the center line of Fifth street, on the east by the
 nter line of Lincoln street, on the south by a line commencing
 the intersection of the center lines of Lincoln street and Sixth
 eet, thence west along the center line of Sixth street to the
 nter line of Van Buren street, thence south along the center
 e of Van Buren street to the center line of Seventh street,
 ence west along the center line of Seventh street to the center
 the Saginaw river, thence northerly along the center of said
 er to a point where the center line of Fifth street would
 ersect the same. The tenth ward shall embrace all that part **Tenth ward.**
 said city north of the center line of Second street and east of
 e center lines of Johnson street and Belinda street. The **Eleventh ward.**
 venth ward shall embrace all that part of said city lying
 een the extended center lines of Second street and Fifteenth
 eet and east of the center line of Lincoln street. It is hereby **Officers to con-**
 rovided that all the aldermen and other ward officers of said **tinue in office.**
 y shall continue such officers of the wards in which they [may]
 pectively reside until their respective terms of office shall
 pire. It is further provided that within ten days after this act **Election to fill**
 all take effect the common council of said city shall provide **vacancies, etc.**
 e holding an election in all the wards in said city where there
 y be vacancies in any ward offices, and in case there shall be
 aldermen holding office in any of the said wards, there shall
 elected at such first election one alderman for the term of one

Further proviso relative to inspectors of election.	<p>year and one for the term of two years, the same as now provided by law: <i>Provided further</i>, It shall be the duty of the common council of said city to appoint inspectors of election for the first election after this act shall take effect, in cases of vacancy in such offices. But in case said common council shall fail to make such appointments, or the persons so appointed shall fail to attend, the electors present at the opening of the polls may appoint inspectors for such first election: <i>Provided further</i>, [That] until such election is held after this act shall take effect, the mayor of said Bay City may fill all vacancies in any ward offices by appointment, but the person so appointed shall only hold office until their successors shall be elected and qualified: <i>Provided further</i>, That as soon as may be after this act shall take effect, the common council of Bay City shall provide books of registration for the eleven wards herein provided for, and shall cause the names of all resident voters to be copied therein for use in such wards.</p>
Further proviso relative to filling vacancies by appointment.	<p>SEC. 5. At the first annual election after the passage of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city by the electors thereof, voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor and one constable, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the first annual charter election after the passage of this act there shall be elected on a general city ticket, by the qualified electors of said city, one recorder, and at the second annual election thereafter one mayor, one recorder and one treasurer, each of whom shall hold his office for two years; and at every second annual election thereafter, unless a vacancy shall [should] sooner occur, there shall be elected a mayor, a recorder and treasurer, who shall each hold his office for two years. At said first annual election there shall also be elected on said general city ticket a controller and a justice of the peace, each of whom shall hold his office for four years; and at every annual election thereafter a justice of the peace shall be elected, who shall hold his office for four years; and at every fourth annual election thereafter, unless a vacancy sooner occurs, there shall be elected a controller, who shall hold his office for four years. Justices of the peace of said city shall have the same jurisdiction and powers, perform the same duties and be subject to the same liabilities as justices of the peace of townships of this State, except as herein otherwise provided. The terms of office of said justices shall commence when elected and qualified. Each of said officers shall hold his office until his successor is elected and qualified. The treasurer shall be ineligible for election for more than two terms of said office in succession, and shall not hold the office of treasurer for more than four years in succession. The mayor and aldermen shall receive as compen-</p>
Further proviso.	<p>First and other annual elections, officers to be elected, etc.</p>
First and other annual elections, officers to be elected, etc.	<p>Terms of officers.</p>

tion for their services the sum of two dollars for each session of the council when actually in attendance.

SEC. 7. The mayor, recorder and aldermen, when assembled together and organized, shall constitute the common council of the City, and a majority of all the aldermen elect shall be necessary to constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time, and the council may be summoned to hold their meetings at such time and place as the mayor, or in case of his absence or inability to act, the president *pro tem.* of the council may appoint. At the first regular meeting of the council in each year the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the mayor, shall preside at the meetings thereof and exercise the powers and duties of president of the council, who shall have a vote upon all questions. The council shall have power to send for and compel the attendance of any of their members, or of any officer of said city, and to impose, levy and collect such fines as they may deem proper, not exceeding five dollars, for non-attendance at any meeting, of such member or officer. No alderman shall be allowed to vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote. The mayor shall preside at all meetings of the council, and in his absence the president *pro tem.* But in case of the absence of both the mayor and said president *pro tem.* the council shall have power to appoint a president *pro tempore.* The mayor shall file with the recorder his objections in writing to any ordinance or resolution passed by the said council within three days after the passage of the same, setting forth his reasons for not approving the same, such ordinance or resolution shall not become operative unless again passed or adopted by a vote of two-thirds of all the aldermen elect.

SEC. 8. The council shall have power to appoint an attorney and a street commissioner, a director of the poor, a surveyor and such other officers whose election is not especially provided for in this charter, as they may deem necessary to carry into effect the powers in this act granted. The city attorney and city surveyor shall each hold his office for two years: *Provided*, That in case of the death or removal of either of them, the council may fill the vacancy by vote by the council, on a vote of all the aldermen elect, in case of such appointments, the mayor shall have a right to vote. No person so appointed to any office may be removed therefrom by the council upon a vote of two-thirds of all the members elect until the expiration of his term of office. Any person holding office by election, except the mayor, recorder, and justice of the peace, may be removed therefrom by the council for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, or for any violation of any of the ordinances of the council, by a two-thirds vote of all the aldermen elect. In such case the reason for removal shall be entered in the records of the council, with the names and votes of the members voting on the question. No officer holding office by election shall be removed by the council unless first furnished with a copy of the charges against him, in

Compensation of mayor and aldermen.

Who to constitute common council.

President *pro tempore*.

Power of council to compel attendance of members, etc.

President of council.

Veto of ordinances, etc.

Appointed officers.

Proviso.

Removals from office.

Official oath.	writing, and allowed to be heard in his defense with the aid of counsel. The council shall have power to issue subpoenas, under the hand of the mayor or their chairman, to compel the attendance of witnesses and the production of papers and shall proceed within twenty days after the service of a copy of the charges to hear and determine the same. If such officer shall neglect to appear and answer such charges, his default shall be deemed good cause for removal. Every person appointed by the council shall take and subscribe the constitutional oath of office and file the same with the recorder within ten days after such appointment.
Bond.	Every person so appointed shall execute an official bond or undertaking in the manner and within the time which may be prescribed by the council.
Power of council to regulate as to working streets, etc.	<p>SEC. 15. The council shall have power to regulate the times and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, graveling, paving, planking macadamizing or otherwise improving the streets or alleys of said city, and to provide for the constructing, repairing of sidewalks in said city, and to establish the grades thereof, and may by ordinance, designate the kind of sidewalks to be constructed in said city and the manner of their construction, and may require that walks in portions of said city, to be specified by ordinance or otherwise shall be constructed of stone, brick or such other material as shall be determined; to lay out, open, make, grade and repair streets, lanes and alleys, and the same to alter and vacate, and to alter or vacate those already laid out: <i>Provided</i>, That before any street, lane or alley shall be vacated or altered, the person or persons applying therefor shall give public notice, specifying the time and place at which such application will be made, by causing the same to be published in the official newspaper for three successive weeks, or by personally serving upon each owner residing in said city, or occupant of any lot contiguous to said street or alley proposed to be altered or vacated, a copy of such notice. Upon the hearing of such application, all parties in interest shall be entitled to be heard in person or by counsel, and no street or alley shall be vacated except upon sufficient cause shown, and with the concurrence of three-fourths of the aldermen elect: <i>And provided further</i>, That when any street or highway has been once graded, leveled, paved or covered with broken or pounded stone or other material, and the grade line thereof established, the said council shall not change or alter the grade line of said street or highway unless they have first been petitioned so to do by a majority of all the property owners on said street or highway. The council shall have power to regulate the use of all public highways, streets, avenues and alleys of the said city, subject to the rights of travel and passage therein. Whenever it becomes necessary in laying out or opening any such highway, street, avenue, lane or alley to take private property for that purpose, the same shall be done in the manner hereinafter provided.</p>
Proviso as to notice to vacate, etc.	
Further proviso as to change of grades.	
Taking private property for streets, etc.	SEC. 19. All appointments to office shall be made and all

assessments be ordered by a majority vote of all the aldermen elect except as provided by section eight of this act. And removals from office shall be made by a like vote, except in cases where by this act a different vote may be required.

Appointments,
etc., how made.

SEC. 32. On or before the twentieth day of July in each year, or as soon thereafter as the controller shall have completed the assessment roll for said year, the council shall by resolution direct the amount of money to be raised by taxes in said city for the current year for city, highway, opening of streets and other purposes, not exceeding the amount the council is authorized by section twenty-five to raise for such purposes. The board of education of said city shall notify the common council of said city of the amount of school tax voted by said board of education for school purposes. The common council shall have no authority to increase or reduce the amounts so voted by the board of education but shall direct the levy and collection of the same: *Provided*, That when any tax-roll on which school taxes are assessed shall be returned to the county treasurer the common council shall set over of the funds collected on such roll the whole amount of such school moneys so voted for the use of such school district: *Provided further*, That no school tax shall be voted by said board of education except by a vote of a majority of all the members of said board of education elect. The board of supervisors of Bay county shall have no power to direct the amount of money to be raised in said city upon the city tax-roll for city or school purposes except to order the re-assessment of rejected taxes.

When council
to direct amount
of taxes to be
raised.

School tax.

Proviso.

Further
proviso.

SEC. 69. Whenever the council shall order a public work to be performed to be paid for by local tax, assessed according to the benefits, it may also direct that the same may be collected and paid in three equal annual installments. In such case a tax-roll for such improvement shall be made out by the controller, showing in separate columns the amount of each installment as provided for by the common council. Such tax-roll shall be delivered to the city treasurer and by him retained for the period of thirty days from and after the first day of the next calendar month after the delivery of such roll to him, during which time he shall receive all taxes thereon that may voluntarily be paid to him, at which time said roll shall be delivered to the controller who shall attach his warrant thereto and deliver said roll to the treasurer, commanding him in said warrant to collect on or before two calendar months the first installment on said tax-roll, with interest thereon at the rate of one per cent per month or fraction of a month; and shall further command said treasurer to make collection of the other installments as provided in the resolution ordering said work in like time and manner as in the case of the first installment, and shall also add thereto and collect three-fourths of one per cent per month interest for each month or fraction of a month from date of warrant to time of payment. At the expiration of the time provided for the collection of each installment, the controller shall make a transcript of so much of such installment as remains delinquent, with inter-

Council may
direct the col-
lection of tax
by installments.

Manner of so
collecting.

est at the rate of one per cent per month or fraction of a month, and the same proceedings had as provided in section fifty-seven, until the same is transferred to the county tax roll as provided in said section, and these shall be added to the city taxes in the county tax roll; the same collection fees shall be charged and collected in the same manner as provided in section fifty-four of this act.

Police to take oath.

Terms of office.

Proviso.

Compensation.

Recorder to be clerk of council.

Fees and compensation.

Ordinances, time of taking effect.

Power and authority of supervisors, etc.

SEC. 84. Each member of the police force appointed by said board shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, and file the same with the clerk of said board. After filing said official oath, the chief and captain of police, and each policeman so appointed, shall hold his office during good behavior, and shall have power to serve any summons, subpoena, warrant, order, notice, paper, or process whatever, issued or directed by any justice of the peace, recorder of the city, or officer whatever, in the execution of the laws of this State, or ordinance of the city, for the prevention of crime and punishment of offenders in any part of this State. They shall have power to serve process for any violation of the city ordinances, and generally shall have and exercise the powers as conservators of the peace which township constables under the general laws of the State possess, but such policemen shall have no power to serve any civil process. For the time engaged in active service each member so engaged shall be paid such sum as shall be recommended by the board of police commissioners and approved by the council.

SEC. 95. The recorder shall be clerk of the council, and shall give bond for the faithful performance of his duties in such sum as the council shall by ordinance direct; and shall keep a manuscript record of their proceedings in the proper books provided therefor, and shall open and keep books of accounts, and such other books of receipts and expenditures as the council may direct, and in such form and manner as they may order. He shall also perform for the city all such duties as township clerks are required by law to perform for the several townships, in regard to filing and registering chattel mortgages and bills of sale, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State. He shall keep a record of all ordinances, and of the time of their publication, which record shall be signed by the mayor and recorder. No ordinance subjecting any person to fine and imprisonment shall take effect until it shall have been published for at least one week in the official newspaper of said city.

SEC. 98. The supervisors of each ward shall have and exercise within his ward all the powers, authority and functions of supervisors of townships, as now provided or may be hereafter provided by law, except as herein otherwise provided, and each of them, with the controller, shall be a member of the board of supervisors of Bay county, and as such shall be entitled to the same compensation, and paid in the same manner as the other members of said board.

SEC. 104. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council, and of all officers of the city, and shall act as the attorney and solicitor for the city in all legal proceedings in which the city is interested; he shall prosecute for all offenses against the ordinances of the city, he shall attend the meetings of the council, and of the board of public works, when required, and shall perform such duties as the council may require. Sections ninety and one hundred and one are hereby repealed.

Additional
duties of city
attorney.

SEC. 2. That twenty-three new sections be added to said act to stand as sections one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty two, one hundred and sixty-three, one hundred and sixty-four, one hundred and sixty-five, one hundred and sixty-six, one hundred and sixty-seven, one hundred and sixty-eight, one hundred and sixty-nine, one hundred and seventy and one hundred and seventy-one of said act, and to read as follows:

Sections added.

SEC. 149. Five persons having the qualifications [qualification] of electors of said city, who shall be appointed by the council on the nomination of the mayor, shall constitute a board of electric light commissioners. Said commissioners, after their election, shall meet and select one of their number chairman, who shall be known as the chairman of the electric light board, and said commissioners when convened shall be known as the electric light board of Bay City. They shall appoint a secretary and cause to be kept a record of their proceedings. Said commissioners shall receive no compensation for their services. The common council of said city may, by ordinance, prescribe the powers and duties to be exercised by said board, and by ordinance or otherwise place under the care and direction of said board of electric light commissioners the care, control and management of the electric light plant belonging to Bay City under such rules and regulations as said council shall see fit to adopt.

Board of elec-
tric light com-
missioners.

SEC. 150. The persons first appointed by the council electric light commissioners shall hold their offices, one until the first day of May, eighteen hundred and eighty-eight, one until the first day of May, eighteen hundred and eighty-nine, one until the first day of May, eighteen hundred and ninety, one until the first day of May, eighteen hundred and ninety-one, and one until the first day of May, eighteen hundred and ninety-two, and until their successors are elected and qualified; and all persons subsequently appointed, except for the purpose of filling vacancies, shall hold their offices for five years, and until their successors are elected and qualified. In case any vacancy occurs, the council, on the nomination of the mayor, shall appoint some person to fill the unexpired portion of the term. Said commissioners shall be subject to removal by a majority vote of all the aldermen elect.

Powers and
duties of.

Terms of
office of.

Vacancies.

Removals.

Board of commissioners of water-works.

When appointed and term of office.

Proviso.

Vacancy.

No compensation.

Removals.

Not to be contractors.

President of board.

Term of office of, etc.

Power to appoint agents.

Securities, etc.

Proviso.

Proviso as to salaries, etc.

SEC. 151. Seven persons, being electors of Bay City, shall constitute a board, to be known and called "the board of commissioners of water-works," and the several persons constituting the board of water-works of Bay City, on the first day of March, eighteen hundred and eighty-seven, shall be and constitute the first board of water-works under this act, and the term of office of the said members of the board shall expire as now provided by the ordinances of said city. At the last regular meeting of the common council in the month of August of each year, it shall be the duty of said common council to appoint a suitable person, a citizen of Bay City, to the office of water commissioner in which a vacancy is about to occur, who shall be a member of said board of water-works for the term of seven years from the sixth day of September next following the date of such appointment: *Provided*, That this section shall not be so construed as to disqualify any member of said board for re-appointment. And in case of a vacancy in said board, the common council shall appoint some suitable person to fill said vacancy for the unexpired term.

SEC. 152. The members of said board shall receive no compensation for their services, and they shall not be subject to removal from office except by a vote of two-thirds of all the aldermen elect of said Bay City. No member of said board shall be at any time interested, directly or indirectly, in any contract for labor, material, or supplies for or on account of the construction, operation or repairing the water-works within and for Bay City, and no member of said board shall at any time be a member of the common council of Bay City.

SEC. 153. At the first regular meeting of said board after the common council shall have made the annual appointments, it shall be the duty of said board to appoint one of their number president, who shall hold such office for one year and perform such duties as are usually required of a presiding officer, together with such other and further duties not inconsistent with this act as may be required of him by said board, and by appointing a secretary and such other officers and committees as they may deem necessary. The said board shall also have full power and authority to appoint, employ, and pay from the funds at their disposal such officers, agents and persons as in their opinion may be necessary to enable them to manage in the best manner the business under their charge. In appointing such officers and agents the board shall also have power and it shall be their duty to take proper security by bond or otherwise for the due and faithful performance of their duties as such officers or agents: *Provided, however*, That said board may in its discretion dispense with such security as to those officers and agents not entrusted with the collection or disbursement of funds placed under control of the board: *Provided also, further*, That salaries allowed permanent officers and agents of said board shall be submitted for the approval of the common council, and the same shall be duly approved before any payment thereon shall be made.

SEC. 154. The said board shall have full, complete and entire charge, management and control of the planning, constructing, operating and repairing of all works of every kind whatsoever hereafter to be constructed or now used for the purpose of supplying Bay City and the inhabitants thereof with water, and they shall purchase all materials and supplies therefor, including right of way for pipes, grounds for location of all necessary buildings and structures, and shall make all contracts pertaining thereto, subject, however, to the limitation in this act. The conveyances of such right of way and the title to all grounds so purchased shall be taken in the name of Bay City, and said water-works and everything pertaining or belonging thereto shall be the property of said city, and all contracts and purchases made by said board shall be in the name of Bay City.

Power and control of board.

Conveyances to be in the name of the city.

SEC. 155. When said board shall have completed their plans and made their estimates of the cost of any new works they may propose to construct, they shall, before making any purchases or letting any contract therefor, report the same to the common council and obtain their approval of the same, and the said board shall at no time and in no event enter into any contract or contracts, or in any way pledge the credit of Bay City, for a greater sum than the amount placed at their disposal and to be known as the water-works fund: *Provided, however,* That said board may enter into contracts for machinery and material for said water-works, and for additions and improvements thereto, and thereby pledge the credit of and bind said city, upon first obtaining the consent of the common council of said city, which consent, if obtained, shall be by resolution, duly adopted by said council, which shall state the amount of indebtedness said board may contract, the terms thereof, and the purpose or purposes for which the same may be contracted, and the said board shall in no case or event obtain or seek to obtain a supply of water from any other place than Saginaw Bay: *Provided, however,* That said board may maintain a proper connection between the Saginaw river and the receiving wells at the point where the pumping machinery is located, to be used only at such time or times as by reason of defects of machinery or appliances, or on account of fire, a sufficient supply of water cannot be obtained from the bay.

Plans, contracts, etc.

Proviso.

Further proviso.

SEC. 156. All moneys raised by loan or otherwise for the construction, management and repairs of any and all works for supplying the city and the inhabitants thereof with water, as well as for the purchase of supplies, material, right of way and ground herefor, together with all sums in any way appropriated for that purpose, including all sums collected for water rates, shall be deposited with the city treasurer, and credited by him to the water-works fund, and shall remain to meet the liabilities incurred by said board, and shall not be withdrawn or used for any other purpose, unless otherwise ordered by the common council. The said board shall, on or before the last day of each month, and oftener when necessary, file with the city recorder a written statement of all claims and accounts against said board,

Water-works fund.

Monthly statement of board, what to contain.

showing on what account the same were contracted and to whom payable; thereupon a warrant shall be drawn by said recorder, countersigned by the controller for the amount of said statement, payable to the order of the secretary of the board of water-works fund. The secretary shall deposit said warrant with the city treasurer, who shall credit the amount thereof to the board of water-works. The city treasurer shall be treasurer of the board of water-works, and shall pay all orders drawn by the secretary thereof in payment of the claims and accounts mentioned in said statement.

Board to keep accounts.

SEC. 157. The said board shall keep, or cause to be kept, full and complete books of account of the business done by them, showing fully their receipts and disbursements, which books shall be open for inspection at all reasonable times. The office of said board shall be in the city building in Bay City, and they shall make and preserve full minutes of all their proceedings. The secretary of said board shall at least once in each month report to the common council the amount of disbursements and expenditures, and also of receipts and collections made by said board during the month last preceding, which report shall be published with the official proceedings of the council. They shall also report the nature, condition, and progress of any work or contract undertaken or entered into by them, together with such other information relating to the business or any part thereof under their control, as the council may from time to time direct.

Secretary to make monthly reports.
Contents of.

Board to fix water rates, etc.

SEC. 158: The said board shall have power to make proper rules and regulations, fixing the rates to be paid for water supplied, and prescribing the time and mode of collecting the same, regulating the manner of making collections, providing for the safety of the pipes and machinery, together with such other and further matters pertaining thereto as they may deem expedient: *Provided, however,* That no changes shall be made in the rates paid for water supplied or the regulations governing the same as now provided by ordinance, except with the approval and consent of the common council.

Proviso.

Legal power of board.

SEC. 159. The board hereby created shall have the same legal power, in addition to that conferred by this act, as would be conferred upon them by statute were they appointed by the common council under authority of "An act to authorize the introduction of water into and the construction of hydraulic works in cities and villages in the State of Michigan," approved August fourth, eighteen hundred and seventy, and the amendments thereto.

Police justice, election of and term of office.

SEC. 160. There shall be a police justice in the city of Bay City; the first election for said justice shall be held on the first Monday in April next, to be conducted in the same manner as justices of the peace are elected at the charter election of said city; and the first incumbent of said office shall hold his office from the time he is elected and has filed his oath of office till the first day of July, in the year eighteen hundred and ninety-one; and at the charter election of said city, at the interval of every four years

thereafter, the said justice shall be elected in the manner provided for the election of justices of the peace in said city, to hold his office for four years, the term of which shall commence on the first day of July in [of] the year in which he is elected; and in case of a vacancy occurring in said office of police justice, the common council shall order a special election, giving twenty days' notice thereof, to fill the vacancy. And said police justice shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and deposit the same with the clerk of the county of Bay, who shall file and preserve the same in his office: *Provided*, That until the first election of such justice the board of police commissioners of Bay City may designate one of the justices of the peace of said city to perform the duties of such police justice.

Vacancy.

Oath.

Provido.

SEC. 161. The police court shall have exclusive and original jurisdiction to hear, try, and determine all criminal cases wherein the crime, misdemeanor, or offense charged shall have been committed within the corporate limits of the city of Bay City, or upon any lands, tenements, or hereditaments owned or occupied by or under the authority of the city of Bay City, within the county of Bay, and which crime, misdemeanor, or offense would be, now or hereafter, cognizable by a justice of the peace if the same had been committed in any other part of this State; to entertain, conduct and dispose of all preliminary examinations into crimes, misdemeanors, or offenses which shall have been committed within the corporate limits of Bay City; to hear, try, and determine, or otherwise lawfully entertain, conduct, and dispose of, all cases and proceedings arising within the corporate limits of the city of Bay City under the laws of this State relative to disorderly persons, illegitimate children, fugitives from justice from other States and foreign countries, the preservation of the public peace and the prevention of crime: *Provided, however*, That this act shall not be in any wise construed to interfere with or affect any of the powers of or the authority conferred by law upon the grand jury of the county of Bay. The police court shall have concurrent jurisdiction with the recorder's court of the city of Bay City to hear, try and determine cases arising under the ordinances of the common council relative to common prostitutes, vagrants, mendicants, street beggars, drunken persons, disorderly persons, disturbances and breaches of the peace, indecent exposure of the person, indecent conduct, indecent exhibitions and other disorderly conduct, and any person arrested for a breach of any of the ordinances aforesaid shall be discharged from custody upon entering into a recognizance in a sum not exceeding the penalty provided for the violation of the same and with sureties satisfactory to the officer taking said recognizance conditioned for the appearance of such person to answer to any complaint that may be preferred against him or her. Said police justice shall have power to take said recognizance, and it shall be the duty of the officer having such person in custody to produce him before

Jurisdiction.

Provido.

Police court to have concurrent jurisdiction with recorder's court in certain cases.

said justice for the purpose of giving such bail when required so to do.

Power to issue writs, etc.

Practice in police court.

Trials to be public, exceptions.

Office of police justice to be open.

Sessions of court.

Duty of officers having persons in custody.

Contempt of court.

SEC. 162. The said police justice shall have power to issue all lawful writs and process, and to do all lawful acts which may be necessary and proper to execute and carry into complete effect the powers and jurisdiction given by this act, and especially to issue all writs and process and to do all acts which justices of the peace within their respective jurisdictions may issue and do by the laws of this State, and shall as far as applicable be governed by the provisions of law regulating criminal cases and proceedings before justices of the peace. The practice in the police court shall, subject to the provisions of this act, conform in general to the practice in similar proceedings in courts held by justices of the peace, but neither the police court nor any police justice shall have any power or authority to grant new trials or to vacate or arrest any judgment or to stay any proceedings thereon. No person shall be allowed to appear or practice in the said police court as an attorney and counsellor unless he shall be an attorney and counsellor at law. Trials and examinations in the police court shall be public, but whenever it shall appear that upon the trial of any cause or upon examination evidence of licentious, lascivious, degrading or peculiarly immoral acts or conduct will probably be given, the police justice presiding at such trial or examination may in his discretion require and cause every person except those necessarily in attendance thereon to retire and absent himself or herself from the court room during such trial or examination or any portion thereof, and no person under the age of sixteen years shall be permitted at any time to remain during the trial of any cause, or during any examination in the police court or during any portion thereof in the court room in which such trial or examination is pending, unless such person is accompanied by one of its parents or guardians, or is required by law or the process of the court to be present or in attendance thereon. The office of such justice shall be open daily (except Sundays and holidays) at reasonable hours for the transaction of the general business thereof, but said court shall be deemed in law always open for the purpose of taking complaints, issuing warrants and admitting persons to bail. It shall be the duty of the said police justice to attend and open the police court and hold sessions thereof at such times as the common council of the city of Bay City by ordinance prescribe, and then and there examine into and determine all cases arising under any of the ordinances of said common council which shall be brought before the police court and of which such court shall by the terms of this act have jurisdiction. And it shall be the duty of all officers having in custody or confinement any person charged with violating any of the ordinances of the common council to promptly bring such prisoner before the police court for trial or other lawful action unless such prisoner shall be held under or by virtue of a warrant, capias or other process of another court, magistrate or officer.

SEC. 163. The police court shall have power to punish as for

a criminal contempt any person who shall be guilty of any act, conduct or behavior for which such person would be punishable as for a criminal contempt in any court of record if such act had been committed within its jurisdiction, and the procedure in the police court in cases of contempt shall be substantially the same as in courts of record, and like punishment may be inflicted therein except that no fine shall exceed one hundred dollars.

SEC. 164. The members of the police force of Bay City shall have the power and it shall be their duty to serve all process issued and to execute all orders lawfully made by the police court or the police justice, and they shall perform all the duties of conveying prisoners from any jail or other place of detention or imprisonment to the police court or the police justice for complaint, arraignment, examination, trial, sentence or other proceeding, and from the police court or the police justice to the Bay county jail under the direction, order, process, judgment or sentence of the police court or of the police justice, and they shall be the ministerial officers of the police court and of said police justice. It shall be the duty of the board of police commissioners of Bay City, upon the written request of the police justice, to detail one or more of the police force of said city to attend the police court, and may detail such additional policemen to attend the police court as shall from time to time be deemed necessary and proper. But in case any person shall be convicted and sentenced or committed to the house of correction in Detroit, reform school, prison, reformatory or any other place of detention, reformation, correction or punishment, such police force shall deliver such person so sentenced or committed to the sheriff of Bay county at the Bay county jail, and said sheriff shall take and convey such person so convicted and sentenced or committed to such house of correction, reform school, reformatory or other place of correction, detention or punishment, there to be delivered in pursuance of such sentence or commitment.

Power and duty
of police force
relative to
police court.

Duty of sheriff
in certain cases.

SEC. 165. If it shall appear to the police court, or to the police justice, by affidavit or other appropriate evidence upon oath, or by testimony of any witness or witnesses given in the course of any trial or examination in the police court, that any person is a material witness in any case, matter, or proceeding pending in said court, and will probably be a necessary witness therein, either before the police court or any other court, and that there is reason to believe that such person will not appear and testify in such case, matter, or proceeding, unless security be given by such person to so appear and testify, the police court or police justice may by appropriate process attach such person, and commit him or her to the custody of the chief of the police force of the city of Bay City, to be held and detained according to law as a witness in such case, matter or proceeding, until the further order of the police court or justice, but no longer than thirty days from the date of the warrant or [of] commitment, unless such person shall give bail in such sum and with such surety or sureties as shall be approved by the police justice of said court, conditioned at the

Court may
detain wit-
nesses, etc.

option of the party giving the same, either to remain openly for the thirty days next succeeding the date of the warrant or commitment within the corporate limits of the city of Bay City, or to appear and testify from time to time in such case, matter, or proceeding therein, without further notice, as may be required.

Form of warrants, etc.

SEC. 166. Any warrant, writ, or other process of the police court shall be in the name of the people of the State of Michigan, shall be addressed to the chief of police of the police force of Bay City, shall be attested by the police justice. shall be returnable before the police court, shall be signed by the police justice issuing the same, and may, without backing or endorsement by any other court, magistrate or officer, be served or executed anywhere in the State of Michigan by any policeman of said city.

Summoning witnesses, etc.

SEC. 167. If the police justice shall have probable cause to suspect that an indictable crime, misdemeanor, or offense has been committed within the corporate limits of Bay City, and that any person within the lawful jurisdiction of the process of the police court may be able to give any material evidence respecting such crime, misdemeanor, or offense, he shall have power and authority in his discretion to require such person to appear before him as a witness, and answer upon oath such questions as shall be put to him or her touching such crime, misdemeanor, or offense, or his or her knowledge or information of the same, or of any material fact involved therein; and the proceeding [proceedings] to summon said witness and to compel him or her to testify shall, as far as practicable, be the same as proceedings to summon witnesses and compel their attendance and testimony in ordinary cases, matters and proceedings in the police court; and if upon such inquiry the police justice shall be satisfied that such crime, misdemeanor, or offense has been committed, and that there is probable cause to suspect any particular person or persons to be guilty thereof, he may cause the apprehension of such person or persons by proper process, and upon the return of such process served or executed, the police justice shall proceed with the case, matter, or proceeding in like manner as upon formal complaint by the injured party or other person. And in respect to communicating or divulging any statements made by such witness during the course of such examination, the police justice shall be governed by the provisions of law relative to grand jurors.

Apprehension of suspected persons.

Salary of police justice and expense of court.

SEC. 168. Said police justice shall receive an annual salary of fifteen hundred dollars, to be paid by Bay City in the first instance, but the board of supervisors of Bay county shall annually make a reasonable allowance to said city towards the payment of said [the] salary of said police justice and the expenses of said police and for the services rendered by the police force of said city in prosecutions under the general criminal laws of this State, which allowances shall be equal to three-quarters of the expenses incurred on account of the expenses of said court and police service: *Provided*, That such allowances shall not exceed three thousand dollars per annum. In case of vacancy in the office of any such police justice, or in case of his absence, sickness

In case of vacancy who to act.

or disability to act for any cause, a justice of the peace of Bay City, to be designated for that purpose by the board of police commissioners of Bay City, shall perform the duties of such police justice during such sickness, absence, and in case of such inability, and shall hold such police court, and he shall be paid for such services as he may so render by Bay City and Bay county as aforesaid; but neither such police justice nor justice of the peace shall receive any fees, costs or other emoluments for services as such police justice whatever. Police justice to receive no fees, etc.

SEC. 169. The justice of the police court shall keep a true record of the proceedings of said court and of the business of his office in journals, calendars, or other proper books, to be provided for such purpose, which books shall be of such forms as shall be approved by the police justice. He shall file and safely keep all books, bonds, recognizances and papers belonging to the police court or to his office, and shall, within forty-eight hours after the receipt of any fine or costs, pay the same to the county treasurer of the county of Bay and take receipt therefor, except such fines and costs as shall be imposed and received in cases arising under the city ordinances above mentioned, which shall be paid in like manner and within the same period to the city treasurer of the city of Bay City, and by him credited to the police court fund. Records. Fines, etc., how disposed of.

SEC. 170. In all cases determined in the police court an appeal may be taken in [to] the circuit court for the county of Bay in the same time and manner and with the same effect as prescribed by the general laws of the State for appeals from justices of the peace to the circuit court in criminal cases. Appeal.

SEC. 171. Jurors shall be selected and summoned in said police court, and all other proceedings not herein otherwise provided for shall be conducted the same as in justices' courts: *Provided*, That the policeman of Bay City shall perform all the duties in said police court which are or may be performed by sheriffs or constables in such justices' courts. Juries. Proviso.

SEC. 3. Sections ninety and one hundred and one are hereby repealed.

This act is ordered to take immediate effect.

Approved April 16, 1887.

[No. 436.]

AN ACT to amend sections one, three, four, twenty-three and twenty-eight of title two; sections three, nine, ten, eleven and twenty-seven of title three; sections five, eleven, thirteen, twenty-six, thirty-one, thirty-two and thirty-three of title four; sections two and eight of title five; sections two, six, ten, seventeen, twenty-eight, twenty-nine, thirty, thirty-six and thirty-seven of title six; sections one and two of title nine; sections twelve, twenty-four and twenty-nine of title ten, of an act entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incor-

porate the city of Grand Rapids,' approved April two, hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred and seventy-seven, as amended by the several acts amendatory thereof; and to repeal sections seven and eight of title two; sections nineteen and twenty-seven of title three; sections twenty-seven, twenty-eight, twenty-nine and thirty of title four, of said act, as amended by the several acts amendatory thereof, and to add to title six of said act seven new sections to stand and be known and numbered as sections fifty-two, fifty-three, fifty-four, fifty-five, fifty-six and fifty-seven of said title six, respectively, and to add to title ten of said act a new section to stand and be known and numbered as section thirty of said title ten; and to provide that the act now known and numbered as section thirty of title ten of said act shall hereafter stand and be known and numbered as section thirty-one of title ten of said act.

Sections
amended.

Sections
repealed.

Sections added.

Section
re-numbered.

SECTION 1. *The People of the State of Michigan enact* sections one, three, four, twenty-three and twenty-eight of title two; sections three, nine, ten and eleven of title three; sections five, eleven, thirteen, twenty-six, thirty-one, thirty-two and thirty-three of title four; sections two and eight of title five; sections two, six, ten, seventeen, twenty-eight, twenty-nine, thirty, thirty-six and thirty-seven of title six; sections one, two of title nine; sections twelve, twenty-four and twenty-five of title ten, of an act entitled "An act to revise the charter of the city of Grand Rapids, being amendatory of an act entitled 'An act to incorporate the city of Grand Rapids,' approved March second, eighteen hundred and fifty, as amended by the several acts amendatory thereof," approved March twenty-nine, eighteen hundred and seventy-seven, as amended by the several acts amendatory thereof, be and the same are hereby amended to read as hereinafter set forth; and that sections seven, eight of title two; sections nineteen and twenty-seven of title three, and sections twenty-seven, twenty-eight, twenty-nine and thirty of title four of said act, as amended by the several acts amendatory thereof, be and the same are hereby repealed; that seven new sections be and are hereby added to title six of said act, to stand, be known, and numbered as sections fifty-two, fifty-three, fifty-four, fifty-five, fifty-six and fifty-seven of said title six; and that there be and is hereby added to title ten of said act a new section to stand and be known and numbered as section thirty of said title ten; and that the section now known and numbered as section thirty of title ten of said act shall hereafter stand and be known and numbered as section thirty-one of title ten of said act.

TITLE II.

SECTION 1. The officers of said city shall be one mayor, one treasurer, one comptroller, one clerk, one marshal, one director of the poor, a board of review and equalization, to consist of three members, two aldermen in each ward of said city, one supervisor in each ward, and one constable in each ward of said city, all of whom shall be elected at the annual election of said city, by the qualified electors of the whole city, or of the wards thereof respectively, by ballot, as hereinafter provided. Also one city physician, and so many common criers, keepers of alms-houses, work-house and penitentiary, pound-masters, inspectors of fire-wood, inspectors of highways, weigh-masters and auctioneers, as the common council shall from time to time direct; all to be appointed as hereinafter provided. No person shall be eligible to any of said offices unless he shall then be an elector and resident of said city, nor shall he be eligible to any office for any ward or district unless he shall then be an elector and resident of such ward or district, and when any officer hereinbefore named shall cease to reside in said city, ward or district, his office shall thereby become vacant.

City officers.

Eligibility to office.

SEC. 3. At the first annual election to be held in said city after the passage of this act, and at each annual election thereafter, there shall be elected one alderman in each ward of said city by the electors thereof, voting in their several wards, who shall hold his office for the term of two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor and one constable, each for the term of one year. There shall be elected at the first annual election after the passage of this act, and annually thereafter, by the electors of the whole city, voting in their respective wards, one mayor and one marshal, each of whose term of office shall be one year. The said marshal shall perform such duties as are prescribed in this act, and as may be prescribed from time to time by the common council. There shall also be elected annually by the electors of the whole city, voting in their respective wards, a member of the board of review and equalization, whose duty shall be as hereinafter specified, and who shall hold his office for the term of three years. At the first annual election after the passage of this act, and at the annual election every second year thereafter, there shall be elected in said city, by the electors thereof, voting in their respective wards, one director of the poor, who shall hold his office for the term of two years. At the second annual election after the passage of this act, and at the annual election every second year thereafter, there shall be elected in said city, by the electors thereof, voting in their respective wards, one treasurer, one clerk and one comptroller, who shall each hold his office for the term of two years: *Provided*, That all persons now holding elective offices in said city shall continue to hold their several offices for the remainder of their unexpired term.

Election of officers.

Aldermen.

Mayor and marshal.

Other officers and terms of office.

Idem.

Provided.

SEC. 4. The common council shall, on the first Monday in

Appointive officers and time of appointment, etc.

May after the passage of this act, or within twenty days thereafter, and on the first Monday in May of each year thereafter, or as soon as may be after that time, appoint one city physician, whose duties may be prescribed by the common council, and so many common criers, keepers of alms-houses, pound-masters, weight-masters, inspectors of firewood, inspectors of highways, and auctioneers, as the common council may deem necessary. The common council shall also, at the time aforesaid, and every second year thereafter, appoint a city attorney, who shall perform such services as an attorney and counsellor-at-law and solicitor in chancery for said city as are prescribed in this act. They shall also, at the time aforesaid, appoint all other officers whose appointments are provided for by said common council by the provisions of this act. All officers appointed by the common council shall be so appointed on the nomination of the mayor and confirmation by the common council, and the votes of a majority of all the members elect of said common council shall be necessary to a confirmation. All appointive officers provided for in this act shall hold their offices for the period of one year from the first Monday in May of the year of their appointment, unless a different term of office shall by this act be specially designated, and until their successors are appointed and qualified, unless sooner removed, as herein provided.

By whom nominated and confirmed.

Term of office.

Vacancies, how filled.

SEC. 23. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except the office of alderman and the office of justice of the peace of said city, the common council may, on the nomination of the mayor, in the manner provided for in this act for the appointment of officers of said city, fill such vacancy by the appointment of a person possessing the proper qualifications for the office for which he shall be appointed, and any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the first Monday of May next succeeding. If an elective office, which shall have become vacant, was one of that class whose term continues after the next annual election, a successor for the unexpired term shall be elected at the next annual election. If such vacancy shall occur in any office declared by this act to be appointive, the person appointed to fill such vacancy shall hold such office for the remainder of the unexpired term of such office, and until his successor shall be appointed and qualified.

Clerk to report officers neglecting to qualify.

SEC. 28. The clerk of said city shall report to the common council the names of such officers as shall have neglected to give the bond and security provided by the provisions of this act.

TITLE III.

Ordinances, when to have force.

SEC. 3. No ordinance, vote, motion, or resolution passed by the common council shall have any force or effect if, within twenty-four hours after its passage, the mayor or other officer

legally discharging the duties of mayor, shall lodge in the office of the city clerk his reasons, in writing, why the same should not go into effect, and the same shall not go into effect nor have any legal operation unless it shall, at a subsequent meeting of the common council, be passed by a majority of two-thirds of all the aldermen of said city then in office, and if so repassed, shall go into effect according to the terms thereof; and no ordinance, vote, motion, or resolution of the common council shall go into operation until after the expiration of twenty-four hours after its passage, unless the mayor, or other officer legally discharging the duties of mayor, shall sooner announce in writing, to be filed with the city clerk, his approval thereof. The power of the mayor **Veto power.** to veto any ordinance, vote, motion, or resolution passed by said common council as in this section provided for, shall not only apply to the vetoing of the entire of any such ordinance, vote, motion, or resolution, but said mayor shall have power, in like manner, to veto any separable or distinct part of any such ordinance, vote, motion, or resolution, in which event, the part or portion so vetoed shall not go into effect unless, in the manner in this section provided for, it be repassed, but the remainder and unvetoed part or portion of such ordinance, vote, motion, or resolution shall go into effect as if no veto had been interposed by said mayor.

SEC. 9. No member of the common council shall, during the period for which he was elected, be appointed to or be competent to hold any office of which the emoluments are paid or payable from the city treasury, or paid by fees directed to be paid by this act, or by any resolution or ordinance of the common council, or be directly or indirectly interested in any contract as principal, surety, or otherwise, the expense or consideration whereof are to be paid under any resolution or ordinance of the common council; but this section shall not be construed to prevent the mayor from receiving his legal salary, fixed by this act, nor from holding any office, nor to deprive any alderman of any salary or emolument to which he may be entitled by virtue of his office. **Members of common council not to hold other city offices, etc.** **Exception.**

SEC. 10. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights, and interests, buildings, and all property, real and personal, belonging to the city, and may make such orders and by-laws relating to the same as they shall deem proper and necessary; and further, they shall have power, within said city, to enact, make, continue, establish, modify, amend, and repeal such ordinances, by-laws, and regulations as they deem desirable, within said city, for the following purposes: **Additional powers of council.** **To make ordinances, etc., relative to.**

First, To prevent vice and immorality, to preserve public peace and good order, and to prevent and quell riots, disturbances, and disorderly assemblages; **Vice, etc.**

Second, To restrain and prevent disorderly and gaming houses; to destroy all instruments and devices used for gaming, and **Disorderly houses.**

Liquors and
auctions.

to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Third, To forbid and prevent the vending or other disposition of liquors and intoxicating drinks, in violation of the laws of this State, and to forbid the selling, or giving to be drunk, any intoxicating liquors to any child or young person, and to prohibit, restrain, and regulate the sale of all goods, wares, and personal property at auction, except in case of sales authorized by law, and to fix the fee to be paid by auctioneers;

Sports, etc.

Fourth, To prohibit, restrain, or regulate all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, or other public performances and other exhibitions for money;

Nuisances.

Fifth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog pen, sewer, or other offensive or unwholesome house or place, to cleanse, remove, or abate the same, from time to time, as often as they may deem necessary for the health, comfort, and convenience of said city;

Location of
slaughter-
houses, etc.

Sixth, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder or other combustible substances;

Gunpowder,
combustibles,
etc.

Seventh, Concerning the buying, carrying, selling, and using gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or other combustible materials, and the exhibition of fire-works, and the discharge of fire-arms, and the lights in barns, stables, and other buildings, and to restrain the making of bonfires in streets and yards;

Cumbering
streets.

Eighth, To prevent the cumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges, aqueducts, wharves, or slips in any manner whatever;

Horses, riding,
etc.

Ninth, To require any horse, horses, or mules attached to any vehicle or standing in any of the streets, lanes, or alleys in said city to be securely fastened, watched, or held, and to prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining of any person who shall be guilty of any immoderate riding or driving in any street;

Railroads,
grades, etc.

Tenth, To determine and designate the route and grades of any railroad to be laid in said city; and to restrain and regulate the use of locomotives, engines, and cars upon the railroads within the city; and to compel the owners and managers of such railroads to station flagmen at street crossings, and to make such other rules and regulations concerning such railroads as to secure the safety of the citizens of said city;

Bathing, etc.

Eleventh, To prohibit or regulate bathing in any public water, and to provide for cleansing Grand river of driftwood and other obstructions;

Drunkards,
vagrants, etc.

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars, soliciting alms or subscriptions for any purpose whatever;

Thirteenth, To establish and regulate one or more pounds, and Pounds.
to restrain and regulate the running at large of horses, cattle,
swine, and other animals, geese and poultry, and to authorize the
impounding and sale of the same for the penalty incurred and
the costs of keeping and impounding;

Fourteenth, To regulate and prevent the running at large of Dogs.
dogs, to impose taxes on the owners of dogs, and to prevent dog
fights in the streets;

Fifteenth, To prohibit any person from bringing or depositing Bringing un-
wholesome sub-
stances into
city, etc.
within the limits of said city, any dead carcass or other unwhole-
some or offensive substances, and to require the removal or destruc-
tion thereof, if any person shall have on his premises such sub-
stances, or any putrid meat, meats, fish, hides, or skins of any
kind; and on his default to authorize the removal or destruction
thereof by some officer of the city;

Sixteenth, To compel all persons to keep the sidewalks in front Clearing side-
walks.
of premises owned or occupied by them clear from snow, dirt,
wood or obstructions;

Seventeenth, To regulate the ringing of bells, and the crying of Ringings of
bells, etc.
goods and other commodities for sale at auction or otherwise, and
to prevent disturbing noises in the streets;

Eighteenth, To regulate and establish the line upon which Building lines.
buildings may be erected upon any street, lane, or alley in said
city, and to prevent such buildings being erected nearer the street
than such line, and to impose a fine upon any owner or builder
violating this provision, not to exceed five hundred dollars;

Nineteenth, To regulate the burying of the dead, and to compel Burying of
the dead.
the keeping and return of bills of mortality;

Twentieth, To establish, order, and regulate the markets of Markets for
hay, etc.
said city; to regulate the vending of hay, wood, meats, vege-
tables, fruit, fish, and provisions of all kinds, and prescribe the
time and place for selling the same, and the fees to be paid by
butchers for license: *Provided*, That nothing herein contained Proviso.
shall authorize the common council to restrict in any way the
sale of fresh and wholesome meats by the quarter within the
limits of the said city;

Twenty-first, To establish, regulate and preserve public reser- Reservoirs, etc.
voirs, wells and pumps, and to prevent the waste of water;

Twenty-second, To prescribe rules to govern sextons and under- Sextons, cart-
men, etc.
takers for burying the dead, carmen and their carts, hackney
carriages and their drivers, scavengers, porters, and chimney-
sweeps, and their fees and compensation, and the fees to be paid
by them into the city treasury for license;

Twenty-third, To regulate the soliciting of guests for hotels, Solicitors for
hotels, etc.
and passengers and others to ride upon any railroad, boat, street-
car, omnibus or stage;

Twenty-fourth, To regulate the lighting the streets and alleys Street lighting.
of the said city, and the protection and safety of public lamps,
and to employ a suitable person to superintend the same, and to
prescribe his duties and fix the compensation therefor;

Hawking, etc.	<i>Twenty-fifth</i> , To regulate hawking and peddling in the streets of said city, and to regulate pawnbrokers;
Duties of officers, etc.	<i>Twenty-sixth</i> , To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of said city for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law;
Salubrity of waters, etc.	<i>Twenty-seventh</i> , To preserve the salubrity of the waters of Grand river or other streams within the limits of the said city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient;
Stands for hacks, etc.	<i>Twenty-eighth</i> , To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay and produce exposed for sale in the said city;
Electing and appointing officers.	<i>Twenty-ninth</i> , To provide for and regulate the election and appointment of all officers, and for their removal from office, and for the filling of vacancies, subject to this act;
Fees and costs.	<i>Thirtieth</i> , To authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council may deem reasonable;
Public parks, etc.	<i>Thirty-first</i> , To provide for public parks and squares, make, grade, improve and adorn the same, and all grounds in said city belonging to or under the control of the corporation, and to control or regulate the same consistently with the purposes and objects thereof;
Disposal of dirt, etc.	<i>Thirty-second</i> , To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom, or from the public squares and grounds of said city, in grading, paving or otherwise improving the same;
Cleaning streets, etc.	<i>Thirty-third</i> , To provide for the cleaning of the highways, streets, avenues, lanes, alleys, public grounds and squares, crosswalks and sidewalks in said city; to prohibit and prevent the incumbering thereof in any manner whatever; and to remove any obstructions therefrom, and the exhibition of signs on canvass or otherwise in and upon any vehicle, standing or traveling upon the streets of said city; to control, prescribe and regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs thereon; to control, prescribe and regulate the manner in which the highways, streets, avenues, lanes, alleys, public grounds and spaces within said city shall be used, and to provide for the preservation of, and the prevention of willful injury to, the gutters in said highways, streets, lanes and alleys; to direct and regulate the planting and to provide for the preservation of ornamental trees therein;
Awnings, etc.	
Trees.	
Lamps, posts, etc.	<i>Thirty-fourth</i> , To provide for and regulate the lighting of public lamps, and for the erection of lamps and lamp posts and

suitable hitching posts; to prohibit all practices, amusements and doings in said streets having a tendency to frighten teams and horses, or dangerous to life or property; to remove or cause to be removed therefrom all walls and structures that may be liable to fall therein so as to endanger life or property;

Thirty-fifth, To prohibit and prevent any riot, rout, disorderly noise, disturbance or assemblage in the streets, or elsewhere in said city; Disturbances, etc.

Thirty-sixth, To preserve quiet and order in the streets and other public places in said city at the arrival and departure of railroad cars, and prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses or express companies; draymen, cabmen, cartmen, omnibus drivers and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs, or other vehicles, shall stand, and to prohibit or prevent them from entering or driving within any railroad depot, to solicit passengers or baggage; Order at depots.

Thirty-seventh, To prescribe the places or stands in the streets of said city within which any vehicles may be kept for hire, and to regulate such stands and places; Hack stands.

Thirty-eighth, To prohibit or prevent in the streets, or elsewhere in said city, indecent exposure of the person, the show, sale or exhibition for sale, of indecent or obscene pictures, drawings, engravings, paintings and books, and all indecent or obscene exhibitions and shows of any kind. Indecent exposure, etc.

Thirty-ninth, To establish, construct, maintain, repair, enlarge, and discontinue within the highways, streets, avenues, lanes, alleys, and public places of said city, such bridges, culverts, sewers, drains, and lateral drains and sewers, as the common council may see fit, with a view to the proper draining and sewerage of said city; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof, within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations, as the board of public works shall prescribe; Bridges, sewers, etc.

Fortieth, To assess, levy, and collect an annual assessment or tax on the real and personal property of said city for the purpose of cleansing and keeping in repair the public sewers of said city; Taxes.

Forty-first, To survey and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, public parks, squares and spaces in said city; to prohibit and remove all incumbrances and encroachments upon the same by buildings, fences, or in any other manner, and to number the buildings; the expense of such numbering to be assessed against and collected of the owner or occupant; Boundaries of streets, etc.

Forty-second, To provide for the preservation of the general health of the inhabitants of said city; to make regulations to secure the same; to prevent the introduction or spreading of Preservation of health, etc.

contagious or infectious diseases; to prevent and suppress diseases generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties, subject to the provisions of this act;

Cellars, privies,
etc.

Forty-third, To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, relay or repair the same, or to cause the same to be done by some officer of the corporation, and assess the expenses thereof on the lot or premises having such cellar, slip, barn, private drain, sink, or privy thereon, which assessment shall be a lien on such lot or premises, and be collected in the same manner as other assessments imposed by authority of the common council; to direct and regulate the construction of lateral sewers or drains, for the purpose of more effectually draining all lots or cellars, yards and sinks within the limits of said city, whenever, in their opinion, the same shall be necessary: *Provided,* That if such lateral sewers or drains shall be laid or constructed through any of the streets and alleys adjoining or in front of the premises through which such sewers or drains shall be ordered constructed, the expense thereof shall be assessed on such lots or premises benefited thereby, which assessment shall be a lien on such lot or premises until paid, and be collected in the same manner as other assessments imposed by authority of the common council;

Lateral
sewers, etc.

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Location of
certain build-
ings.

Forty-fourth, To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries; buildings for the manufacture of turpentine, camphene, and dangerous or explosive substances; slaughter-houses and yards, butchering shops; soap, candle, starch, and glue factories; establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard, or oil, and all establishments where any nauseous, offensive, or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of persons or property from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances;

Dangerous and
combustible
articles.

Forty-fifth, To regulate the keeping and conveyance in said city of gunpowder and other combustible or dangerous articles, and the use and kind of lights or lamps to be used in barns, stables, and all buildings and establishments usually regarded as extra hazardous in respect to fire;

Fire limits.

Forty-sixth, To prohibit and prevent the location or construc-

tion of any wooden or frame house, store, shop or other buildings on such streets, alleys and places, or within such limits in said city as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places within said limits, and the rebuilding or repairing of wooden buildings on said streets, alleys and places within said limits when damaged by fire or otherwise;

Forty-seventh, To regulate the construction of partition fences, and of partition and parapet walls, the walls of buildings, the thickness of walls; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers, or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash-houses or deposits of [for] ashes; to compel the owners of houses and other buildings to have scuttles upon the roofs thereof, and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Fences, walls,
chimneys, fires,
etc.

Forty-eighth, To prohibit, prevent and suppress the keeping of houses of ill-fame or assignation or for the resort of common prostitutes, disorderly houses and disorderly groceries; to restrain, suppress and punish the keepers thereof; to punish common prostitutes, vagrants and drunken and disorderly persons; to prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and punishing and to punish all persons managing, using, practicing, or attempting to manage, use or practice the same, and all persons aiding in the management, use and practice thereof;

Houses of ill-
fame, etc.

Forty-ninth, To prohibit, prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food and provisions, and to punish all persons who shall knowingly sell the same or offer to keep the same for sale;

Unwholesome
substances.

Fiftieth, To prohibit, restrain or prevent persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines or other instruments or devices whatsoever, in any grocery, store, shop or any other place in said city; to punish the persons keeping the building, instruments or means for such gaming, and to compel the destruction of the same;

Gaming.

Fifty-first, To prohibit, prevent and suppress all lotteries for drawing or disposing of money or any other property whatsoever,

Lotteries.

and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof;

Solicitors,
draymen, etc.

Fifty-second, To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

Auctioneers,
peddlers, etc.

Fifty-third, To license and regulate auctioneers, hawkers, peddlers, pawnbrokers, and regulate auctions, hawking, peddling and pawnbrokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever by hand, hand-cart, show-case, show-stand or otherwise in the public streets;

Exhibitions by
itinerants.

Fifty-fourth, To prohibit and prevent or license and regulate public exhibitions by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen and shows of any kind;

Licensing
hotels, etc.

Fifty-fifth, To license and regulate the keepers of hotels, taverns, and other public houses, grocers, and keepers of ordinaries, saloons, and victualing and other houses or places for furnishing meals, food or drink;

Butchers,
hucksters, etc.

Fifty-sixth, To license and regulate butchers, to license and regulate or suppress hucksters, and to license and regulate the keepers of shops, stalls, booths, or stands at markets or any other place in said city for the sale of any kind of meat, fish, poultry, vegetables, food, or provisions;

Billiard tables,
etc.

Fifty-seventh, To tax and regulate keepers of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming;

Inspectors of
measures, etc.

Fifty-eighth, To appoint one or more inspectors, measurers, weighers, and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation;

Inspecting
wood, etc.

Fifty-ninth, To direct and regulate the inspecting and measuring of wood, lumber, shingles, timber, posts, stones, heading, and all building material; the inspecting, measuring and weighing of coke and all kinds of coal; the inspecting and weighing of hay, the inspecting of vegetables, meats, fish, and all other food or provisions to be sold at wholesale or retail; the inspecting and weighing of flour, meal, pork, beef, and all other food or provisions, and salt, to be sold in half barrels, barrels, casks, hogsheads, boxes, or other packages: *Provided,* That nothing herein

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contained shall be construed to authorize the inspecting, measuring, weighing, or gauging of any article herein enumerated which is to be shipped beyond the limits of this State, except at the request of the owner thereof, or of the agent having charge of the same;

Sixtieth, To regulate the weights and measures to be used in said city, and to compel every merchant, retailer, trader, and dealer in merchandise, groceries, provisions, or property of every description which is sold by measure or weight, to use weights and measures to be sealed by the city sealer, and to be subject to his inspection and alteration, so as to be made conformable to the standard of weights and measures established by the general laws of this State; Sealing weights and measures.

Sixty-first, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing in cars or any other mode to said city, from any other place, any pauper or other person likely to become a charge upon said city, and to punish therefor; Paupers.

Sixty-second, To provide for the burial of strangers and poor deceased persons; Burial of deceased strangers, etc.

Sixty-third, To erect, and provide for the erection of, a city hall and all needful buildings and offices for the use of the corporation, or of its officers, and to control and regulate the same; City buildings.

Sixty-fourth, To establish, organize, and maintain an almshouse department, and to purchase the necessary grounds, erect and provide for the erection of the necessary buildings therefor, either within or without the city limits, and to appoint the necessary officers therefor, and provide for the government thereof; Alms-house, etc.

Sixty-fifth, To establish and build jails, work-houses, and houses of correction for the confinement of offenders; to erect and provide for the erection of the necessary buildings therefor, and control and regulate the same; to appoint all necessary officers for taking charge of the same, and of persons confined therein; to prescribe their powers and duties, and provide for their removal from office and the filling of vacancies; Jails, etc.

Sixty-sixth, To provide for the imprisonment and confinement in said jails, work-houses, and houses of correction, or in the common jail of the county of Kent, at hard labor or otherwise, all persons liable to be by law imprisoned under this act, or under any ordinance of said common council, whenever convicted of a violation thereof by any court having jurisdiction of the same; Imprisonment, etc.

Sixty-seventh, To prescribe and to regulate the speed of cars and engines on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof; Speed of cars, etc.

Sixty-eighth, To authorize the granting, issuing, and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same, by what officer they shall be issued or revoked, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year, and the person receiving the same shall, before the issuing thereof, execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned Licenses.

for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties in such bonds by an examination under oath as to their property and responsibility, which oath may be administered by such officer;

Assessing
taxes, etc.

Sixty-ninth, To assess, levy and collect taxes for the purpose of the corporation upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; and to provide means for carrying into effect the powers herein conferred; to make regulations for assessing, levying and collecting said taxes, and to sell the property taxed to pay the taxes thereon;

Debts and ex-
penses of city.

Seventieth, To appropriate money, provide [provided] for the payment of the debt and expenses of said city, and make regulations concerning the same, subject to the provisions of this act;

Punishment of
offenders.

Seventy-first, To provide for the punishment of all offenders for violations of or offenses against this act, or any ordinance of the common council enacted under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines, penalties or forfeitures and costs, or by imprisonment in the common jail of the county of Kent, or any jail, work-house, house of correction or alms-house of said city, or the State House of Correction at Ionia, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty or forfeiture, with the costs, be imposed, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding six months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed five hundred dollars, and no imprisonment shall exceed the period of one year;

Employment of
prisoners.

Seventy-second, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of the county of Kent, or in any jail, work-house, house of correction or alms-house of said city, at work or labor, either within or without the same, or upon the streets of said city, or any public work under the control of the common council; to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Printing and
publishing, etc.

Seventy-third, To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as said common council may prescribe;

Maintaining
peace, etc.

Seventy-fourth, To provide for maintaining the peace, order and good government of said city;

Seventy-fifth. The common council shall have power, by a current vote of two-thirds of all the members elect, to purchase and sell real estate for the use of said corporation for corporate purposes; they shall also have power to purchase and control land for cemetery purposes, within or without the corporate limits of said city.

Purchase and sale of real estate.

SEC. 11. The common council may, by ordinance or otherwise, ascertain, establish, and settle the boundaries of all streets, lanes, and alleys in the said city, and prevent and remove all encumbrances and encroachments thereon, and said common council shall have full power to lay out, establish, open, extend, widen, straighten, alter, close, fill in or grade, vacate or abolish any highways, streets, avenues, lanes, alleys, public grounds, or spaces in said city, whenever they shall deem it a necessary public improvement, and private property may be taken therefor, in the manner provided in this act or by the laws of said State, and exercise all other powers conferred upon them by this act in relation to highways, streets, lanes, alleys, parks, public grounds, sewers, drains, common and other schools, the prevention of fires, the levying of taxes, the levying of assessments, the supplying of the city with gas and water, and all other subjects of municipal regulation not herein expressly provided for.

Council may establish boundaries of streets, etc.

SEC. 27. Nothing in section ten of this title or in this act contained shall be construed so as to prohibit any farmer from selling, without a license, to persons within said city the products of his farm without restriction as to quantity.

Farmers not restricted from selling produce.

TITLE IV.

SEC. 5. The supervisor in each ward of said city shall have and exercise in his respective ward all the powers, authority and functions of supervisors of towns as now provided or may hereafter be provided by law except as herein otherwise provided, and shall qualify and enter upon the duties of his office on the Monday next after his election, and shall be a member of the board of supervisors of the county of Kent, and as such shall be entitled to the same compensation and shall be paid in the same manner, and he shall perform as supervisor such other duties as by this act shall be required of him.

Power and authority of supervisors.

Compensation.

SEC. 11. The treasurer shall receive all moneys paid in for school purposes, and all moneys belonging to the city, except such as are in this act required to be in the keeping of some other officer, and shall deposit the same daily in the depository or depositories of the city selected and designated by the common council, and shall take his or their vouchers therefor in duplicate, filing one of said vouchers with the comptroller of said city and filing the other of said vouchers in the office of said city treasurer. Said treasurer shall keep an account of all receipts and expenditures of said city, in such manner as the common council shall direct, in proper books of account to be provided by said city; which said books of account shall be the property of said city and constitute

Duties of treasurer.

Books of depositories to be subject to examination.	part of the public records of said city. The books required to be kept by such depository or depositories shall at all times during the business hours of the day be open to and subject to be inspected by any member or members of the common council, the city treasurer, the comptroller or city attorney. The common council shall
Council may contract for safe keeping of moneys.	have power to contract with any safe and secure banking institution or institutions in said city for the safe keeping of the public moneys belonging to or in the custody of said city, and for the payment of interest thereon, at a rate not exceeding that established by law upon such moneys of the city or in its custody deposited with such banking institution or institutions, and to be drawn therefrom on account current by said city through its proper officer or officers, which said interest shall belong to and be credited to the general fund of said city. Every contract with a banking
What contract to contain.	institution shall contain an agreement authorizing the common council, whenever it shall deem the interests of the city require it, to terminate such contract and withdraw the money deposited, and in case of such termination the books required to be kept by such depositories shall be delivered into the custody of the city clerk by such depository. The common council of said city by
Council may make rules, etc., relative to keeping moneys.	ordinance, resolution or otherwise may make such rules and regulations and prescribe such conditions relative to the letting of such contracts with such depository or depositories, the drawing upon said moneys so deposited and the securities to be given by such depository or depositories, as to said common council may seem just and for the best interest and security of the said city, not inconsistent with the provisions of this act. The depository or
Duty of depository.	depositories so designated by the common council shall keep an account in a set of books of all moneys belonging to or in the custody of said city deposited with such depository or depositories, such books to be provided by said city and to belong to said city, and to constitute a part of the public records of said city, and to be by the outgoing depository or depositories delivered to the depository or depositories succeeding to the trust. Such depository or depositories shall report in writing monthly to the common council of said city the amount of the moneys belonging to or in the custody of the city then on deposit with
Council to advertise for bids for use of money and for furnishing loans.	said depository or depositories. The common council of said city shall, on the second Monday of April of each year, or within ten days thereafter, advertise in the official paper of said city, for a period of at least one week after the first insertion of such advertisement, for sealed proposals from the banking institutions in said city for the highest rate of interest obtainable from such banking institutions, on daily balances of moneys belonging to said city or in the custody of said city, and the lowest rate of interest to be paid by said city for such
Power to award deposits.	temporary loans as the said city shall have power to make. The common council shall have power to award the deposit of the city moneys, in such quantity or quantities as may be for the best interest of said city, and of all moneys lawfully in the custody of said city, to such safe and secure banking institution or institu-

tions within said city as shall offer the best terms in answer to such advertisement for proposals, and shall require such depository or depositories to give suitable bonds, in such penalty as the common council may determine, and with such sureties as the common council may approve, before any transfer of such city moneys be made to such depository or depositories. In case no agreement is entered into for depositing the money of the city, or in case such agreement is terminated and at any time there shall be no such depository or depositories, the city treasurer shall receive and retain in his hands all moneys belonging to the city and which shall come to his hands, and shall pay the same out upon warrants drawn upon him as provided by law. All moneys drawn from the city depository or depositories for city purposes shall be drawn by warrants designating the depository, signed by the clerk and countersigned by the comptroller of said city. All warrants drawn upon the city treasurer for city purposes shall be drawn in pursuance of an order from the common council, which warrants shall be signed by the clerk of said city and countersigned by the comptroller of said city, and every such warrant shall specify for what purpose the amount named therein is to be paid, and out of which particular fund payable, and the clerk shall keep an account, under appropriate heads, of all expenditures and of all orders and warrants drawn upon the treasurer in suitable books to be kept by him for that purpose, which books shall be furnished by, belong to, and be part of the public records of said city. It shall be the duty of the clerk of said city, after the expiration of at least twenty-four hours next following any regular or special session of the common council of said city at which any claims or demands against the city have been duly allowed as in this act provided, to draw a warrant or check on the city depository or depositories designated by the council for the aggregate sum of all claims and demands against said city allowed at any such regular or special session of said common council, which said warrant or check for such aggregate shall be signed by said clerk and countersigned by the comptroller of said city and payable to the order of the treasurer of said city: *Provided*, That no item or items, to the allowance of which by said common council the mayor of said city may, in the manner in this act provided, have interposed his veto, shall be included in any such aggregate or in the warrant or check drawn therefor. The city treasurer shall draw from the city depository or depositories the amount called for by such warrant or check, and use the same to pay the claims and demands, in the manner in this act provided, allowed by said common council at such regular or special meeting, and included in the aggregate of such warrant or check. The clerk of said city shall, on the first regular meeting of the common council of said city in each month, report, in writing, to said common council the amount of all warrants so, as aforesaid, drawn by him upon the treasurer of said city, which have not been called for within thirty days after the countersigning of such warrants, together with the name of the person to

In case no depository is designated.

Moneys, how drawn.

Clerk to keep an account.

To draw orders or warrants.

How signed.

proviso.

City treasurer to draw money and pay claims.

Clerk to report monthly amounts drawn, etc.

Duty of council thereupon.	whom each of said warrants was payable and out of what city fund payable. Upon the receipt of such report the said common council shall have power to order the cancellation of such warrants not so called for, and instruct the treasurer of said city to forthwith deposit in the depository or depositories designated by the council of said city the aggregate amount of the warrants covered by such monthly report. The city treasurer shall in respect to the school moneys received by him, perform all the duties, and be subject to all the liabilities that the township treasurers of the State are by law subject to in respect to the keeping and paying out of moneys collected for school purposes. The books and accounts of the city treasurer shall be open to the inspection of any elector of said city. The treasurer shall exhibit to the common council at the last regular meeting in the month of April in each year a full and fair account of the receipts and expenditures of the said city, and of the moneys of the said city coming into his hands, by virtue of his office, since the date of the last annual report of the city treasurer, and also the state of the treasury of said city, which account, if found correct, shall be filed in the office of the city clerk. The treasurer shall keep an office, which shall be provided and furnished for him by said city, and he shall devote his whole time to the duties of his said office.
Duties, etc., of treasurer, relative to school moneys.	The common council of said city shall, when in their opinion necessary, and upon the written recommendation of the treasurer of said city, furnish for the treasurer of said city such deputies, assistants and clerks as may from time to time be necessary for the proper discharge of his duties, and said common council shall fix the compensation of every such deputy, assistant or clerk so employed at the time of such employment, and prescribe the term of employment. The common council are hereby authorized to require new or additional bonds or security from the city treasurer and from the depositories of the money belonging to the city, at any time or times when they shall deem the interest of the city requires it should be done to protect the city against loss or the risk of loss of moneys deposited, or to be deposited with such treasurer or city depositories.
Treasurer's books subject to inspection. Annual report.	SEC. 13. The city marshal shall have power to arrest without process all persons who shall, in his presence, be engaged in the violation of any of the provisions of this act, or of any ordinance of the common council relating to streets, sidewalks, and other public grounds of said city, and to detain such offender to enable said marshal to make complaint for the offense to the court having jurisdiction thereof, and procure the proper process against said offender, but no longer. He shall be the superintendent of the streets, alleys, sidewalks, public sewers, parks and other public grounds of said city. He shall report in writing, weekly, to the common council, the condition of the streets, alleys, sidewalks, and places aforesaid, and if any of them are out of repair, he shall report that fact, with the nature of the defect, and the place where located, together with an estimate of the expense of repairing the same; whereupon the
Deputy clerks, etc.	
New bonds may be required.	
City marshal, power and duties of, as to arrests.	
To be superintendent of streets. To report condition thereof weekly.	

common council may have power to direct him to make, or cause to be made, the necessary repairs, and shall provide the means therefor, and may direct him to charge the same to the adjoining property when it may lawfully be done. If the defects are of such a nature as to be immediately dangerous to person or property, it shall be his duty to cause such repair to be made immediately, and report the same to the common council at its next meeting thereafter, together with the expense thereof, certified to by him, and the common council shall provide means for the payment thereof, and in cases when it may be lawful by the provisions of this act, said common council may direct such expense to be charged to the adjoining property. In addition to the reports herein provided for, said marshal shall report to the common council, in relation to any matter connected with the duties of his office, whenever directed so to do by said council, or by the mayor of said city. All accounts of expenditures made by said marshal shall be certified by him, and shall be made in duplicate, one of which duplicates shall be filed in his office and the other in the office of the clerk of said city; such accounts shall be reported to the common council, at its next regular meeting after such expenditure shall have been made. It shall be the duty of the said marshal to keep a record, under appropriate heads, in a suitable book or books to be by said city furnished to him, of all expenditures made by him under the provisions of this section as such superintendent of the streets, alleys, sidewalks, public sewers, parks and other public grounds of said city; which said books shall belong to and be part of the public records of said city. He shall perform such other duties as are required and prescribed by this act, or as are or may be, from time to time, required or prescribed by the ordinances and resolutions of the common council of said city. The marshal of said city shall act as the attending officer and sergeant-at-arms at all regular, adjourned, or special meetings of said common council.

To make repairs, etc.

Additional reports.

Marshal to certify to expenditures.

To keep an account of expenditures, etc.

To act as attending officer to council.

SEC. 26. The comptroller, previous to entering upon the duties of his office, shall take and subscribe an oath for the faithful performance of the duties of said office, and he shall also enter into a bond in such sum, and with such sureties as the common council shall fix and approve in writing endorsed thereon, which bond shall be filed with the city clerk. The comptroller shall receive and audit the claims and demands of all persons against the city; every such claim and demand shall be verified as required in section eight of title four of this act; and the common council may pay all claims, accounts, and demands so examined, which shall be recommended by said comptroller for payment, but not otherwise, unless by a vote of all the aldermen elect of said city, present at any regular meeting of said common council. Said comptroller shall keep an accurate account of all claims, demands, and accounts so recommended by him, as well as a separate account of all claims, demands, and accounts which he shall receive, and which, after due examination by him, are rejected. Said comptroller shall countersign all orders for the payment of money out

Comptroller.

Oath and bond.

To audit claims.

Keep account of all claims, etc.

To countersign orders, etc.

Assistant. of the city depository or depositories, and all orders upon the city treasurer, and shall perform such other duties as the common council may by ordinances prescribe, and such other duties as are prescribed in this act. The common council shall, when in their opinion necessary, and upon the written recommendation of the comptroller, furnish for the comptroller such assistants and clerks as may from time to time be necessary for the proper discharge of his duties, and fix the compensation of such assistants or clerks, and prescribe the term of their employment.

Duties of director of the poor. **Of other city officers.** SEC. 31. The director of the poor shall perform such duties as are required of him by law.

SEC. 32. The city physician, common crier, pound-master, inspector of fire-wood, and weight-masters shall perform such duties, and, if required, shall file such securities as the common council shall by ordinance or resolution direct.

Salaries. SEC. 33. The common council shall annually determine the salary or compensation to be paid to the several officers of said city, within the limitations hereinafter prescribed, and which limitations shall be as follows, to wit: To the city clerk, in addition to his fees and perquisites prescribed by law, one thousand dollars per annum; to the assistant city clerk, eight hundred and fifty dollars per annum; to the city treasurer, twenty-five hundred dollars per annum; to the city marshal for services performed other than the collection of sidewalk taxes, twelve hundred dollars per annum; to the mayor of said city, twelve hundred dollars per annum; to each alderman of said city, two hundred dollars per annum; to the city comptroller, twelve hundred dollars per annum; to the attorney of said city, twenty-five hundred dollars per annum; and to the city physician, one thousand dollars per annum; said salaries to be fixed by an affirmative vote of at least two-thirds of all the aldermen elect of said city; and said common council may establish and prescribe such fees or salary to be paid to all other officers of said city, whose fees or salaries are not prescribed by law, for services performed for said city, in all cases where such fees or salary are to be paid by said city.

Of clerk. **Of assistant clerk.** **Of treasurer.** **Of marshal.** **Of mayor.** **Of aldermen.** **Comptroller.** **Attorney.** **Physician.** **Other officers.** **Clerk to administer oaths.** The clerk of said city is hereby authorized to administer all oaths required to be administered by the provisions of this act, but shall receive no compensation from said city therefor.

TITLE V.

Council may raise money for certain purposes.

Limit.

SEC. 2. For the purpose of defraying the expenses and all liabilities incurred by said city, and for highway purposes, and for paying for the same, and for sewer purposes and paying for the same, and for the purpose of creating and replenishing the funds provided for in this act, the common council may raise annually, by taxation levied upon the real and personal property within said city, such sum as they may deem necessary, not exceeding one and one-half per cent on the valuation of such real and personal property within the limits of said city, according to the valuation thereof taken from the assessment rolls of

the year preceding the levying of such tax; and the sum or sums to be raised shall be apportioned between the several wards of said city in the manner in this act provided: *Provided, however,* Proviso as to bonds, etc. That such limitation shall not apply to the raising of any sum or sums of money necessary to be raised by taxation upon the real and personal property within said city for the purpose of paying the principal of, or interest upon, any bonded indebtedness of said city, arising from a loan for a term of a year or years, according to the terms thereof.

SEC. 8. It shall be the duty of the board of review and equalization to receive and review the assessment rolls of the several wards of said city; and they shall give notice by advertising in at least two newspapers printed and published in said city, for a period of at least three days next preceding such review, of the time and place of holding such review; and the said board of review and equalization shall have power and it shall be their duty to examine said assessment rolls and correct any errors found therein, and reduce or increase the valuation of any property found on said rolls, and to alter, amend and correct any assessment or valuation or description, and to place upon the assessment rolls of the proper wards any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from any such roll any property wrongfully thereon; and the said board of review and equalization shall have the power to administer oaths and examine witnesses the same as possessed by supervisors of townships in this State, as now or at any time hereafter may be conferred on supervisors of townships by the general tax laws of this State, or upon township boards of review. No assessment shall be increased nor property added to said rolls, except upon notice to the person or persons to be affected thereby, but it shall be sufficient to serve any such notice upon a resident of said city by leaving the same at his usual place of abode, with some person of suitable age and discretion, at least three days before any such action is taken by said board, and in case of a non-resident of said city, it shall be sufficient to publish such notice in the official newspaper of said city for at least three days before any such action shall be taken by said board. The said board shall keep a record of their proceedings, which record shall be signed by a majority of said board; and in particular said board shall cause a certificate to be made and filed of the service or publication of every notice in regard to the increase of assessments, or addition of any property to any such roll, which record of their proceedings and certificates shall be duly filed in the office of said board. Said board of review and equalization shall, for the purpose of reviewing the said assessment rolls, as in this section provided, meet on the last Monday in May in each year, and be present at their office from eight o'clock in the forenoon until twelve o'clock noon, and from one o'clock in the afternoon until five o'clock in the afternoon, for the purpose of reviewing such assessment rolls, and so on, and until and including Wednesday of the next succeeding

Duty of board of review.

Assessments increased, etc., how.

Record of proceedings of board and certificate.

To be filed. Meeting of board.

Office of board. week. Said board of review and equalization shall have a suitable office, to be provided and furnished at the expense of said city.

TITLE VI.

Power of board of public works relative to streets, etc.

Proviso as to streets having grades established, etc.

Exception to proviso.

Assessment and roll.

Proviso limiting time for taking assessment.

SEC. 2. The board of public works of said city shall have power, and are empowered to grade, gravel, raise, level, repair, amend, pave or cover with broken or pounded stone, plank or other material, all streets, alleys, lanes, highways, public grounds or sidewalks in said city, and such designated portions of any street, alley, lane or highway in said city as the common council by a majority vote of all the members elect shall by a resolution declare to be a necessary public improvement, whether the same has previously been graded, graveled, raised, leveled, repaired, amended, paved or covered as aforesaid or not: *Provided*, That the common council shall not have authority to declare the grading or paving of the whole of any street, lane, alley or highway a necessary public improvement, unless it shall have been petitioned so to do by the owners of a majority of all property on said street, lane, alley or highway, or designated portion thereof proposed to be improved, residing in the city of Grand Rapids, after the grade shall have been established and the expense estimated as aforesaid. But this proviso shall not apply when said common council shall by a unanimous vote of all the members elect declare such grading or paving a necessary public improvement.

SEC. 6. The commissioners thus sworn shall proceed to make an assessment according to the said order, and shall make out an assessment roll in which shall be entered the names of the persons assessed, the value of the property for which they are assessed, the amount assessed to each of them respectively, and in case any lots or parts of lots shall be occupied belonging to any person residing in said city, such person shall be assessed for the same and his name entered accordingly, and in case such lots or parts of lots shall belong to a non-resident, or owner or owners unknown, the same shall be entered accordingly, with a description of such lots or premises, as is or may hereafter be required by law, in assessment rolls made by the supervisors of the several townships of this State, with the value thereof and the amount assessed thereon, which assessment roll shall be subscribed by them or a majority of them who acted in the premises, and returned as speedily as may be to the common council of said city: *Provided*, That it shall be the duty of said commissioners to complete and return any such assessment roll within thirty days after taking the oath prescribed in section five of this title, unless the common council upon the written application of a majority of said commissioners grants further time. Nothing in this proviso contained shall be deemed in any way to invalidate any such assessment roll because of its non-completion within the time in this proviso limited, but the intent of this proviso is that said commissioners shall not be entitled to receive any compensation

or *per diem* for any time in excess of the time limited in said proviso, unless the common council shall have granted the extension as herein provided.

SEC. 10. Every assessment roll so ratified and confirmed by the common council as aforesaid shall be final and conclusive, and be *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessments therein contained shall be and continue a lien on the premises on which the same is made, and the assessment roll so confirmed as aforesaid shall, unless otherwise ordered by the common council, be delivered by the city clerk to the treasurer of the city, who shall take his receipt therefor, and endorse thereon the time of such delivery; the treasurer shall thereupon give notice by publication, for at least twenty days, in two newspapers published in said city, of the receipt of such assessment roll, and that the same will remain in his office for the space of twenty days after the first publication of said notice, during which time he will receive the payment of such assessments without extra charge; and said treasurer shall give a receipt to all persons who shall pay their assessments to him before the expiration of said twenty days, and shall endorse the same as paid to him on such roll. Immediately after the expiration of said twenty days, the said treasurer shall cause to be served on each person, firm, or corporation whose name appears on said roll as not having paid the tax assessed against them within the twenty days above named, a written or printed notice, or partly written and partly printed, specifying the amount of the tax assessed against them, with two per cent added for collection fees, and giving notice that at the expiration of thirty days after the date of said notice a further sum of three per cent on the original tax will be added to all taxes remaining unpaid on said roll, as a collection fee. When for any reason personal service of said notice cannot be had, it shall be sufficient to send the same through the mail, with postage prepaid thereon, directed to the person assessed. The treasurer of said city shall attach to each roll a certificate that the notice above required has been served. It shall be the duty of the city treasurer to add the above sum of two per cent to the original tax on all sums not paid within twenty days, and the further sum of three per cent on the original tax on all sums not paid within thirty days thereafter, and the same shall be and remain a part of the assessment. At the time of the delivery of the assessment roll to the city treasurer the mayor shall attach his warrant thereto, commanding him to collect the assessments therein contained, together with the fees hereinbefore prescribed, within ninety days from the date hereof, and deposit the same daily in the city depository, or as the common council shall direct; the treasurer shall proceed in the collection thereof as directed by this section. The collection of all assessment rolls in the hands of the marshal on the first Monday in May, eighteen hundred and eighty-seven, shall be completed by him, and all proceedings thereon shall be had in conformity to the provisions of the charter of said city of Grand Rapids, as in

Roll, evidence of regularity of proceedings.

Assessments a lien.

Notice of time of receiving payment.

Notice to delinquents after 20 days.

Certificate of notice.

Duty of treasurer to add per cent.

Warrant.

Collection of rolls in hands of marshal, May 1, 1887.

Fees to belong
to city.

force before the passage of this act. All fees received by the treasurer, in conformity with the provisions of this act, or other provisions of the charter of said city of Grand Rapids, shall belong to said city, and be paid into the city treasury or depository to the credit of the general fund of said city.

Constructing
sidewalks,
planking
streets, etc.

SEC. 17. Whenever the common council shall deem it expedient to construct any sidewalk within said city, it may by ordinance or otherwise require the owner or occupant of any lot or premises adjoining thereto, or fronting or abutting thereon, to lay or construct such sidewalk in front of [or] adjoining such lot or premises; the common council in like manner may by ordinance or otherwise, under such penalty or penalties as they may prescribe, require the owners and occupants or either to repair and reconstruct sidewalks in front of or adjoining their respective premises, in such manner as the common council by ordinance or otherwise may direct; the expense to which any occupant or tenant may be thus subjected may be collected by him from the owner of the premises unless otherwise agreed, or unless such tenant or occupant be bound to bear such expense by the terms or [of] nature of the agreement under which he holds the premises. If such owner or

Expense may
be collected
by tenant from
owner.

Proceedings in
case of neglect.

occupant shall neglect or refuse to make, repair or reconstruct any sidewalk in front of or adjoining his, her or their premises within such time as the common council shall prescribe, it shall be lawful for said council to cause the same to be done at the expense of the city; an accurate account of the expense thereof shall be kept by the city marshal and returned to the city clerk; which said account shall be certified by said marshal and filed in the office of the city clerk, and a duplicate thereof in his own office within five days after said work shall be done; said account so certified by said marshal shall contain a description of each parcel of real estate adjoining which said sidewalk was made, repaired or reconstructed and the expense thereof, and also the name of the owner or occupant of each parcel of said real estate if known, and if not known such fact shall be so stated in said account. It shall be the

Duty of clerk
to make assess-
ment, etc.

duty of the city clerk on the first Monday in August, November and February in each year to place said accounts then remaining unpaid in an assessment roll, together with ten per cent of the amount of each account to be added thereto, which said assessment roll shall be in substance the same as the assessment roll provided for by this title in case of assessments to defray the expenses of public improvements not requiring the taking of private property, except that it shall not be necessary to place any valuation upon any land or premises described in said roll; said expense of making, repairing or reconstructing such sidewalk shall be a lien upon said adjoining premises to the amount thereof and ten per cent of said amount added thereto. The city clerk shall sign said roll and annex his certificate thereto. The mayor shall within ten days thereafter annex his warrant to said roll, commanding said marshal to collect said assessments within sixty

Expense to be
a lien.

Warrant.

Duty of marshal
to collect.

days from the date thereof; and thereupon it shall be the duty of the marshal, and he is hereby given full power and authority, to

levy and collect the same by distress and sale of any personal property upon such premises belonging to the person chargeable with such assessment; and the said warrant shall so command, and shall further authorize said marshal to collect four per cent for his fees thereon in addition to said assessments; and all the provisions of this title relative to the return and sale of real estate for unpaid assessment thereon, are hereby made applicable to assessments herein provided for, except that said marshal shall make such return and sale. The marshal shall pay over to the city treasurer all moneys collected by him under the provisions of this section, except his collection fees, within the time specified in his warrant, and take said treasurer's receipt therefor.

Fees.

Moneys, how disposed of.

SEC. 28. Ninety days after any assessment roll has been placed in the hands of the treasurer for collection, or at such other time after the expiration of that time as he shall be ordered so to do by the common council, he shall return the same to the city clerk with a complete list of all the real estate upon which the assessments have not been paid or collected, and state to whom each parcel of said real estate was assessed, or that it was assessed to a person "unknown," and describe said real estate, and give the amount of the tax, together with the collection fees as added upon each parcel; and he shall annex thereto a certificate substantially in the following form: "I hereby certify that the above list contains a true and accurate statement of each parcel of real estate, and the assessment and collection fees thereon remaining unpaid, and the names of persons to whom each parcel was assessed;" and the work or improvement on account of which the assessment was made shall be named in said certificate.

Treasurer to make statement of delinquent taxes.

To annex certificate. Form of.

SEC. 29. Within thirty days after the return of said list, the clerk shall cause said list to be inserted in a newspaper printed and published in said city, together with a notice in substance as follows: "It appearing from the return of the treasurer that the assessment and collection fees on the above described parcels of real estate, remain unpaid, notice is hereby given that said real estate will be exposed for sale in separate parcels, at public auction, on the . . . day of . . . , A. D. 188 . . . , at ten o'clock in the forenoon, at the front door of the court-house, or place of holding the circuit court for the county of Kent, in said city of Grand Rapids, and sold to the highest bidder, for the purpose of collecting said assessments and interest thereon, and fifty cents for the cost of selling each lot or parcel, in addition to the costs of advertising," which costs of advertising shall not exceed fifty cents for each parcel, and shall be in full of the notice of the sale. Said day of sale shall be at least thirty days after the first publication of said notice, and shall be inserted in said paper at least once in each week during the time. Such sale may be postponed by the marshal from time to time, by public proclamation thereof, made at the time and place of sale, and by inserting notice of such postponement in the paper containing said notice next under said notice of sale; and if, for any cause, such sale

Notice and list to be published.

Form of notice.

Day of sale.

Re-advertising. shall not take place at the time in said notice specified, or at the time to which it may be postponed, the common council may direct said clerk, at any subsequent time, to re-advertise and sell said real estate, in manner and form as aforesaid.

Sale by marshal or other auctioneer. SEC. 30. The marshal shall attend said sale and act as auctioneer, but in case of his absence or inability to attend the sale, the mayor may appoint or designate one of the city auctioneers or other person to act in the place of the marshal; said auctioneer shall sell all the lots or parcels of real estate so advertised, upon which the assessments [assessment] and costs remain unpaid at the time of selling. The clerk shall also attend said sale, and enter in a book provided for that purpose, a description of the real estate sold, the name of the purchaser and the amount of his bid, and shall make out and deliver to such purchaser a certificate, giving him a description of the real estate by him purchased, the amount of the assessments and costs due, separately, and the amount of his bid, and stating that said purchaser will be entitled to a deed of the real estate described therein at the expiration of one year from such sale, unless the same shall sooner be redeemed. The clerk shall receive the taxes, percentage and costs due at any time before sale, and pay the same over to the treasurer, with a statement in writing of the assessment roll from which the same was realized, and shall take the treasurer's receipt for said money. The costs, if paid before sale, shall be twenty-five cents for clerk's costs on each parcel so paid, and the costs of advertising, and fifteen per cent interest on the assessment due on each parcel from the time of the return of the roll by the treasurer up to the time of payment, and the fees for collection prescribed in said roll.

Assessment rolls filed with clerk. Copy, with warrant, given treasurer. SEC. 36. The assessment rolls made pursuant to the provisions of this title shall be filed in the office of the city clerk, and a true copy thereof shall be made, to which the warrant of the mayor shall be annexed for the collection thereof, which shall be delivered to the treasurer for collection; and in case of the loss or destruction of the copy hereinbefore referred to, a new one may be made, to which the warrant of the mayor may be attached, and said new copy shall be as valid for all purposes as the first copy would be, had full proceedings been had under it. And if any assessment be set aside or adjudged void or illegal by a court, or otherwise, or if there are defects or errors in respect to the roll itself or in the proceedings prior thereto, the common council may, by order, set the same aside and proceed *de novo* and go back far enough to correct the proceedings and make a new roll.

How treasurer to proceed to collect assessments on new roll. SEC. 37. In proceeding to collect an assessment upon a roll made as aforesaid, or to take the place of one lost or destroyed, the treasurer shall credit on said roll to each person who has paid, all sums paid by such person, and shall mark "paid" all those lots and parts of lots upon which the assessments have been paid, and then shall proceed to collect the unpaid assessments in the manner directed by his warrant; and the treasurer shall

make return thereof in the manner as hereinbefore directed in reference to other rolls.

SEC. 51. In all cases in which the grade of any street or alley has been established, and said street or alley has been graded by the proper authorities of said city in accordance therewith, and the grade thereof afterwards altered by said city, the owner of any lot or parcel of land who shall be injured by such alteration shall be entitled to compensation therefor to the extent of such injury, over and above the benefits which said lot or parcel of land shall receive from the improvement of such street or alley, by reason of such change of grade and the work connected therewith; and the superior court of Grand Rapids shall have exclusive jurisdiction thereof to hear, try and determine the same.

Change of grade on streets already graded.

Compensation for injury.

Superior court of Grand Rapids to have exclusive jurisdiction.

SEC. 52. Such owner may, within twenty days after such improvement has been completed, and not thereafter, file his claim for damages against the city of Grand Rapids in the office of the clerk of the superior court of Grand Rapids, and forthwith serve a copy thereof on the city attorney for said city, and within ten days thereafter the said city attorney shall file in the office of said clerk a statement of the reasons why the same should not be allowed, in whole or in part, and serve or cause to be served upon said claimant or his attorney a copy thereof within the same time. The said court may enlarge the time for the filing and service of said reasons for a period of not exceeding twenty days, upon notice to said claimant or his attorney of the application for that purpose.

Claims for damage, when and where filed and proceedings thereon.

SEC. 53. After the formation of such issue, upon the motion of either party, the superior court of Grand Rapids shall, after five days' notice in writing by the applicant therefor, to the other party, make an order that a jury be selected and impaneled to try such issue; and such jury shall be selected, summoned and impaneled in the same manner as is required by section six of act number one hundred and twenty-four of the session laws of eighteen hundred and eighty-three, unless said court shall otherwise direct; and such jury shall be sworn in substance as follows: "You do solemnly swear (or affirm) that you will well and truly try the issue joined in the claim (or claims) here pending between the claimant (or claimants) for compensation for damages to his (her or their) respective property, caused by reason of the re-grading of the street (naming it) against the city of Grand Rapids, respondent, and unless discharged by the court a true verdict and determination give therein upon said claim (or claims and each of the same) according to the law and the evidence given you, so help you God (or under the pains and penalties of perjury)."

Duty of the court.

Empanelling jury.

Oath of jury.

SEC. 54. The trial of said issue shall be under the direction of said court, and, as far as the same shall be applicable, shall be the same as is provided in sections seven, nine, eleven, twelve, thirteen and fourteen of the act aforesaid, and appeal may be taken by either party to the supreme court, in the same manner as in said act provided. The jury shall determine whether or not

Trial.

Appeal.

Jury to determine injury and compensation. Verdict to be in writing.

What verdict to state.

Court may determine if parties so agree.

Court to confirm verdict.

Competent for one jury to determine all damages for any one street, etc., in one proceeding. New juries may be impaneled.

When claims have been awarded, duty of common council.

Assessments, how made and collected.

What provision of charter to apply.

Damages, to whom paid.

Proviso.

injury has been sustained by said claimant in the premises; the amount of compensation to be awarded, if any, within the provisions of this act; shall be sworn to that effect, and shall return to the court a verdict in writing signed by each of them, which shall be delivered to the court in open court and filed in said matter in the office of said clerk. Said verdict shall state the amount of compensation, if any, awarded to each claimant, the name of such claimant, and shall contain a description of the property on account of which it is awarded.

SEC. 55. The matters aforesaid may be determined by the court without a jury, if the parties so agree, but in such case an order shall be entered in the journal of the court to that effect. The verdict aforesaid shall be subject to confirmation by the court, and may be confirmed after the expiration of two days from the rendition thereof, on motion of either party.

SEC. 56. It shall be competent, if the court shall so direct, for one jury impaneled as aforesaid to hear, try, and determine all issues for damages and compensation, arising from the grading of any one street or alley in one proceeding. In case of disagreement, another jury may be selected and impaneled, and as often as may be necessary until an agreement is reached.

SEC. 57. When the claim or several claims for damages upon any street or alley have been finally determined, as aforesaid, if damages have been awarded, and the same has been confirmed by the court, the clerk of said court shall certify the same to the common council, and thereupon it shall be the duty of the common council to ascertain, determine and define a district in said city which, in its judgment, is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as near as may be to the advantage or benefit each lot, parcel or sub-division is deemed to acquire by the improvement out of which said damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected, in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets provided for by the charter of said city; and all the provisions of the charter of said city relative to such assessments and the collection thereof, and the sale and redemption from sale of property delinquent for the non-payment thereof, shall apply hereto. Such damages when collected as aforesaid shall be paid to the person or persons to whom the same were awarded, or to their assigns: *Provided*, That rights or claims accrued or pending under the section of said title and charter of which this act is amendatory shall not be lost, but may be enforced and prosecuted under this act.

TITLE IX.

SECTION 1. The common council shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city; to restrain or prohibit the exercise of any unwholesome or dangerous business or avocation within the limits of said city; the common council shall also have power and it shall be their duty to appoint, on the nomination of the mayor, in the same manner that appointive officers are to be appointed under the provisions of this act, on the first Monday in May, eighteen hundred and eighty-seven, or within twenty days thereafter or as soon thereafter as may be, three persons electors of said city, one of whom at least shall be a practicing physician and graduate of some legally authorized medical college in this State, or in any one of the United States or in any other country, who, together with the mayor of said city and the president of the common council, shall constitute the board of health of the city of Grand Rapids. One of said electors so appointed shall hold his office for the term of one year, one for the term of two years and one for the term of three years from the first Monday in May, eighteen hundred and eighty-seven, and until their successors are appointed and qualified. The term for which each of said electors is to be appointed shall be designated by the mayor in making the nomination, which nomination shall be in writing. On the first Monday in May of each year thereafter, or within twenty days after such day or as soon thereafter as may be, a member of said board with like qualifications as his predecessor shall in like manner be appointed, who shall hold his office for the term of three years from the first Monday of May in the year of his appointment and until his successor shall be appointed and qualified. Vacancies in said board shall be filled in the manner provided in this act for filling vacancies in appointive offices. The board of health, thus constituted for the purpose of organization and management of its department, shall have all the authority, in addition to the special powers vested in said board by this act, that is conferred upon boards of health by the general laws of this State not repugnant to the provisions of this act. Said board of health shall have power, and it shall be their duty, to appoint a health officer, who shall be a practicing physician, and a graduate of some legally authorized medical college as aforesaid, and who shall be selected with special reference to his knowledge of chemistry, hygiene and sanitary matters. Said health officer may be removed from office by said board, a majority of its members voting for a removal. Said health officer shall receive a salary of fifteen hundred dollars per annum, payable out of the general fund of said city, monthly, in the same manner that the salaries of other city officers, are payable. Said health officer shall have the powers and perform the duties conferred and imposed upon him by this act, and by the general laws of this State in regard to health officers not inconsistent with the provisions of this act, and shall possess such powers and perform such duties, not inconsistent

Power of council relative to health.

To appoint board of health.

Of whom to consist.

Terms of office of first board.

Future boards.

Vacancies.

Power and authority of board.

Health officers.

Salary of.

Power and duties of.

Clerk of board of health.	with this act and the general laws of this State, as he shall from time to time be required to do by the board of health of said city. Said health officer shall devote his entire time to the duties of his said office. Said board of health shall have power to employ a suitable person as clerk of said board and for said health officer, and to prescribe his duties. The compensation of said clerk shall be seven hundred and fifty dollars per annum, to be paid monthly, out of the general fund of said city, in the same manner that salaries of officers of said city are payable. Said clerk may, at any time, be discharged from his said employment by said board of health, a majority of said board voting for such discharge. Said clerk shall devote his entire time to the duties of his said office. Said board of health shall have an office, to be provided and furnished by said city, which shall also be the office of said health officer and of said clerk, which said office shall be open on all secular days during business hours, and it shall be the duty of the clerk of said board to be in attendance in said office during such time. Said board shall also be furnished by said city with all necessary stationery, furniture, and all other material necessary for the proper discharge of their duties and functions. Said board shall meet at least once in each month at their office, and as much oftener as in their opinion shall be necessary. A majority of said board shall constitute a quorum for the transaction of business, though a less number may adjourn from time to time. The members of said board of health shall serve without compensation. The necessary expenses incurred by said board and health officer in the discharge of their duties and functions, shall be proper charges against said city, and shall be audited and paid out of the appropriate funds of said city, in the same manner as other charges against said city are audited and paid. Said board of health shall have power to employ one or more inspectors, at a compensation of not to exceed two dollars per day during the time of such employment; but such employment shall not continue beyond the next regular meeting of the common council of said city, unless such employment of such inspectors be, by a majority vote of all the members elect of said common council, continued beyond the time of such regular meeting. Upon the appointment and qualification of the board of health provided for in this section, the offices of the present board of health of said city shall be deemed to have expired and shall expire.
Compensation of clerk.	
May be discharged, etc.	
Office of board, etc.	
Meeting of board.	
Quorum.	
Expenses, how paid.	
Inspectors.	
Compensation of inspectors.	
When the offices of the present board of health to expire.	
Further powers and duties of board of health relative to infectious diseases.	SEC. 2. The board of health shall have power and it shall be their duty to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease into the city; to stop and detain and examine for that purpose every person coming from any place infected or believed to be infected with such disease; to establish, maintain and regulate a suitable pest house or hospital at some place within the city, or not exceeding three miles beyond its bounds; to cause any person who may be infected with any contagious disease within the limits of the city to be removed to the hospital, if in the opinion of the health
Hospitals.	
Removal of certain persons thereto.	

officer and one other practicing physician in good standing, and of a member of the board of health, such removal is necessary for the preservation of the public health: *Provided, however,* That the removal can be made with safety to the infected person; to remove from the city or destroy any furniture, wearing apparel, or goods, wares or merchandise, or other articles or property of any kind, which shall be suspected of being tainted or infected with any pestilence, or which shall be likely to pass into such a state as to generate and propagate disease, upon paying for the same the full value thereof; to abate all nuisances of every description which are or may be injurious to the public health in any way and in any manner they may deem expedient, and from time to time do all acts and make all regulations which they shall deem necessary or expedient for the preservation of the public health and the suppression of disease in the city, and from time to time to recommend to the common council of said city the passage of such ordinances as they shall deem necessary or expedient for the preservation of the public health and the suppression of disease in the city. Any member of the board of health and health officer shall have full police powers in matters appertaining or belonging to their department, and shall have power, and it shall be their duty to arrest all persons who are, in their sight, engaged in violating any of the health ordinances of the city of Grand Rapids. Any violation of the regulations or ordinances so made and passed shall be a misdemeanor, punishable by a fine or imprisonment, or both; the fine not to exceed five hundred dollars, or imprisonment not to exceed one year in the Kent county jail or Ionia House of Correction. Such board of health shall annually report to the State Board of Health in the same manner as local boards of health are now required by law to report.

Proviso.

Destruction of furniture, etc.

Nuisances, etc.

Recommendations.

Power to arrest, etc.

Violation of regulation, etc., a misdemeanor. Limit of fine.

Report of board.

TITLE X.

SEC. 12. For the purpose of purchasing sites for and constructing a city almshouse, city hall, city market, or any other public buildings, or for constructing or rebuilding bridges across Grand river, within the limits of said city, or for building, extending or enlarging the water-works or any portion thereof in said city, the common council may borrow, on the faith of said city, such sums of money, not exceeding twenty thousand dollars, for either of such purposes, as the common council may deem expedient, for a term of years not exceeding twenty, at a rate of interest not exceeding six per cent per annum; and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the comptroller thereof, and in such form and sums as the common council may direct; and such bonds shall be disposed of under the direction of the mayor and common council of said city, upon such terms as may be advisable, but not for less than the par value thereof, and the avails thereof shall be applied to the purposes for which the same

How and for what purpose common council may borrow money.

Limit of amount.

Of time and interest.

Bonds.

Proviso as to vote of electors, etc.	was executed, and for no other purpose: <i>Provided</i> , That nothing in this act contained shall be so construed as to authorize the incurring of any bonded indebtedness against said city of Grand Rapids, for any of the purposes above specified, unless the qualified electors of said city, voting in their respective wards, shall have authorized the issuing of said bonds by a majority of their votes cast at any regular election, or at a special election called for the purpose of voting upon such question, except such as are expressly authorized by sections eighteen and nineteen of title five of this act, and except for the purpose of rebuilding or replacing any bridge across Grand river, in said city, which shall have been destroyed, and for the purpose of repairing or rebuilding any portion of the water-works of said city which may have been damaged or destroyed, which bonds shall not exceed the sum of twenty-five thousand dollars in each case, and shall not be required to be submitted as aforesaid.
Exception.	
Limit of amount.	
What officers to continue in office.	SEC. 24. All the officers of said city, excepting the members of the present board of health of said city who may be in office at the passage of this act, shall continue to exercise the duties of their respective offices until the term for which they were elected shall have expired. The members of the present board of health of said city shall continue to exercise the duties of their office until the members of the board of health provided for by this act shall have qualified, but not longer. The first charter election held in said city after the passage of this act shall be held in precisely the same manner in all respects as if this act had not been passed, and like notice of holding such election shall be given and shall be superintended by the same officers as is required by the acts hereby repealed.
First charter election under this act.	
Power of council to employ agents to carry out provisions of this act.	SEC. 29. The common council shall have power to employ such agents or employés as in their judgment it shall deem necessary to carry out the provisions of this act.
Sale of water-works.	SEC. 30. The common council of said city shall have power to sell and dispose of the present water-works system of said city, including the entire plan [plant] of such water-works system, on the most favorable and advantageous terms to said city obtainable: <i>Provided, however</i> , That before any such sale of said water-works system is consummated the question of such sale shall be authorized by a majority of the qualified electors of said city voting in their respective wards at any regular election, or at a special election called for the purpose of voting upon such question.
Proviso.	This act is ordered to take immediate effect. Approved April 18, 1887.

[No. 437.]

AN ACT to amend section seven of act number two hundred and fifty-four of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Burlington," approved March eighth, eighteen hundred and sixty nine.

SECTION 1. *The People of the State of Michigan enact*, That section seven of act number two hundred and fifty-four of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Burlington," approved March eighth, eighteen hundred and sixty-nine, be and the same is hereby amended so as to read as follows:

SEC. 7. The president and trustees shall have power to ordain and establish by-laws, rules and regulations, and to alter and repeal the same at pleasure, for the following purposes, namely: For the appointment of a treasurer and prescribing his duties, one assessor and such other officers for said village as they may deem necessary, and also such as they may deem necessary and right for the maintenance and preservation of the public places, property and buildings of said village; to regulate the police thereof; to preserve the public peace; to prevent riots, disturbances and disorderly assemblages; to appoint watchmen and policemen and organize a fire department and define their duties and prescribe penalties for their delinquencies; to restrain, apprehend and punish vagrants, mendicants, drunkards and all disorderly persons; to punish lewd and lascivious behavior on the streets or other public places; to suppress and restrain disorderly and gaming houses, billiard tables and other devices and instruments of gaming, and shall have the exclusive power and authority to license such persons as tavern-keepers and common victualers as they shall think best, but no license shall be in force except during the life of the board granting it; to prevent the selling or giving away of spirituous or fermented liquors to drunkards, minors or apprentices; to prevent and punish inordinate riding or driving in the streets; to abate, prevent and remove nuisances; to suppress all disorderly houses and houses of ill-fame and to punish the keepers and inmates thereof; to prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys, parks and public grounds; to compel the owners and occupants of lots to clear the sidewalks in front of and adjacent thereto of snow, ice, dirt, mud, boxes and every incumbrance or obstruction thereto; to regulate the storage of powder, lumber or other combustible material; to prevent the use of fire-arms, slung-shots and other weapons and fire-works; to construct and regulate markets, the vending of poultry, meat, vegetables, fruit and fish; to regulate the sale of hay, wood, lime, lumber and coal; to regulate the gauging of vessels containing liquors; the sealing of weights and measures; to regulate and maintain pounds and to provide for the restraining of horses, cattle, sheep, swine, mules and other animals, geese and other poultry; to prevent the running at large of dogs, to require them to be muzzled, and to authorize

Section amended.

Power of president and trustees relative to. Appointment of officers.

Police regulations.

Punishment of vagrants, etc.

Gaming.

Licenses.

Liquors.

Nuisances. Disorderly houses.

Obstructing streets, etc.

Combustibles, etc.

Markets, etc.

Sealing weights.

Pounds.

Dogs.

Cartmen, etc.	to regulate and license cartmen, porters, hacks and cabs, and to regulate their rates of compensation; to prevent runners from soliciting travelers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements, not exceeding one thousand dollars in any one year; to establish wells and cisterns and to prevent the waste of water; to prevent bathing in public streams; to purchase grounds for and regulate cemeteries and the burial of the dead, and to provide for the return of bills of mortality, and to order the use for burial purposes of any burial ground or cemetery to be discontinued, whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, establish and settle the boundaries of all streets and alleys and to establish grades therefor; also to order and cause the same to be drained or filled up and to assess the costs and expenses on the premises benefited; to regulate the building of partition and other fences; to establish lines upon which buildings may be erected and beyond which such buildings shall not extend; to prevent the erection of buildings in any unsafe manner and to pass all necessary regulations relative to buildings deemed unsafe; to purchase and keep in order fire engines and other fire apparatus, and to construct buildings to store them, and to cause each building occupied as a house, store or shop to be provided with fire buckets and ladders; to establish fire limits, within which no wooden building shall be built, enlarged or placed without consent of the common council; to regulate party walls, chimneys, flues, and putting up stoves and stove-pipe; to regulate the construction of smith-shops, planing establishments, bakeries and other buildings considered extra hazardous; to guard against fires; to regulate the duties, powers and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; to grade the walks, streets and alleys, and to prescribe the manner of planking or repairing them; the costs and expenses of repairing sidewalks, grading the walks, streets and alleys, and the paving or planking to be paid by assessment on the lot in the front of or adjoining which either or all of such improvements shall be made: <i>Provided</i> , That so much money belonging to the highway fund of such village as the president and trustees may direct may be expended for grading: <i>And provided further</i> , That not more than four per cent on the assessed valuation of any lot shall be collected in any one year for such purpose; to construct and keep in repair the public highways, bridges, culverts and sewers; to lay out new streets and alleys, and to extend those already laid out under the restrictions provided in this act; to vacate streets and alleys; to prescribe the levying and collection of the highway and other taxes; to provide for taking the census whenever they shall see fit; to regulate theaters, shows and concerts; to regulate and tax at their discretion, auctioneers or auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers; to regulate the covering of mill-races at the
Water-works, etc.	
Borrowing money, etc.	
Cemeteries, etc.	
Boundaries, grades, etc.	
Unsafe buildings, etc.	
Fire apparatus, etc.	
Fire limits.	
Chimneys, etc.	
Duties, fees, etc., of officers.	
Shade trees, etc.	
Grading, etc.	
Reviso.	
Further proviso as to amount to be assessed in any one year. Bridges, etc.	
Census.	
Shows.	
Auctioneers, etc.	

expense of the owners thereof; to rail and curb, where necessary, all walks at the expense of the owners of the adjoining lots; to levy taxes on all personal and real estate within the limits of the village, except property belonging to the village, town, county or State, and excepting, also, places of public worship belonging to any church or congregation. and all grounds and buildings used exclusively for educational purposes; to take the land of any individual for the purpose of constructing, widening or extending streets, lanes, alleys, drains or sewers, but not until such individual shall be paid the full value thereof, and all buildings thereon, and all damages he will sustain, as provided for in this act. For the violations of any by-laws, rules and regulations such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Burlington, and any interest the inhabitants of the village of Burlington may have in the fine or penalty to be recovered shall not disqualify any inhabitant of said village to try said cause, or serve as a juror or witness therein: *Provided*, That such interest be only that which is in common with the citizens of said village; and the circuit court of the county of Calhoun shall also have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

Levying taxes.

Taking private property for public uses.

Violation of by-laws, etc.

Fines may be recovered before justices, etc.

Proviso.

This act is ordered to take immediate effect.

Approved April 19, 1887.

[No. 438.]

AN ACT to authorize the city of Menominee to join with Wisconsin authorities and construct a bridge across Menominee river.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Menominee, Michigan, acting in conjunction with Wisconsin authorities, or any Wisconsin corporation, are hereby authorized to build and maintain a public bridge across the Menominee river, at a point to be determined upon by the common council of said city: *Provided*, That the city shall have an ownership in said bridge in proportion to the amount of money it may invest therein, or shall build and own that portion of said bridge situated within the boundaries of this State, and shall have an equal voice with said Wisconsin authorities or corporation in the control and management of said bridge, and fixing the tolls to be charged and collected for the use of said bridge by the public. The said bridge shall be a common and public highway, but street car companies shall be allowed to run their cars over said bridge upon such terms and conditions as the common council and said Wisconsin authorities or corporation may from time to time prescribe: *And provided further*, That said common council shall not expend any greater

Common council of the city of Menominee, in conjunction with others, to construct bridge, etc.

Proviso as to ownership.

Bridge to be public highway.

Further proviso as to expenses.

amount of money in any year, for the construction and maintenance of said bridge, in proportion to the city's interest therein, than is expended by the Wisconsin authorities or corporation for the like work upon said bridge.

City of Menominee may borrow money therefor.

Proviso as to vote of electors.

Form of ballot.

Manner of taking vote and canvassing.

Meeting of council to examine statement, etc.

Power to issue bonds, etc.

Negotiation of bonds and expenditure of proceeds.

SEC. 2. For the purposes mentioned in section one of this act, the common council of the city of Menominee may borrow a sum of money not exceeding thirty thousand dollars on the faith and credit of said city, and may issue its bonds therefor, payable at a time not exceeding ten years from the date thereof, at a rate of interest not exceeding eight per centum per annum: *Provided*, That the question of making said loan shall be submitted to a vote of the electors of said city at such time as the common council thereof may order, not less than thirty days after the date of said order, and notice of such submission shall be given by the city clerk of said city, who shall cause a written or printed copy of said order to be posted in three public places in each ward of said city and to be published in some newspaper printed in said city at least ten days prior to the day fixed for such vote. All votes given under the provisions of this act shall be by ballot. Those voting for such loan shall have written or printed on their ballots the words: "For the loan—Yes;" and those voting against such loan shall have written or printed on their ballots: "For the loan—No;" and no loan shall be made under the provisions of this act unless a majority of the votes given shall be in favor thereof.

SEC. 3. At the time mentioned in such notice, a vote of the electors of said city shall be taken at polling places named by the common council of said city; the inspectors receiving the votes shall be the same as are required at the charter elections of the city, and the vote shall be canvassed and the result thereof certified by the inspectors in the same manner as at such elections, and such certified statement of the result shall be forthwith transmitted to the city clerk of said city. On Tuesday in the week next following the day on which such vote shall be taken, the common council of said city shall meet and proceed to examine said certified statement of votes given, and shall ascertain therefrom and declare the result of said vote, which determination shall be entered upon the record of their proceedings, and if a majority of the votes given shall be in favor of said loan, they shall have power at the same meeting, and before the final adjournment thereof, or at any lawful meeting of said common council, to authorize the mayor and clerk to sign and issue the bonds of the city, in such sums as from time to time may be required, not exceeding in all the sum aforesaid, which bonds may be made payable at such place as may be fixed by said common council. The bonds which may be issued under the provisions of this act shall not be negotiated at less than their par value, and the money received therefrom shall be expended solely for the purposes herein stated, under such negotiations as the said common council may prescribe.

This act is ordered to take immediate effect.

Approved April 19, 1887.

[No. 439.]

AN ACT to incorporate the village of Naubinway in the county of Mackinac and State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Territory incorporated. the following described territory situated in the township of Garfield in the county of Mackinac and State of Michigan, and described as follows, to wit: Fractional section twenty-eight, fractional section twenty-nine, the east one-half of fractional section thirty, fractional section thirty-two and fractional section thirty three in township forty-three north, of range nine west, be and the same is hereby constituted a village corporate to be known as the village of Naubinway.

SEC. 2. The first election of officers of said village shall be First election. held on the second Monday in March, in the year eighteen hundred and eighty-seven, at the school-house in said village, ten days' previous notice of which shall be given by the board of registration hereinafter appointed, or any of them, by posting such notice in three public places in said village.

SEC. 3. Anthony Frazier, B. B. C. Perkins and Jahrel Jackson Board of registration. are hereby constituted a board of registration for the purpose of registering the voters for the first election to be held in said village, and they are hereby required to meet on the Saturday preceding Meeting of. the time herein provided for holding the first election in said village at the school-house aforesaid, and register the names of all persons residents of said village presenting themselves for registration, having the qualifications of voters at annual township meetings.

SEC. 4. If for any reason the said election shall not be held Election may be held at other than time specified. at the time hereinbefore specified, it may be held at any time within one year thereafter by giving the notice above required.

SEC. 5. The said village of Naubinway shall in all things be Governed by general law. governed, and its powers and duties defined, by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, in the year eighteen hundred and seventy-five, and acts amendatory thereto.

This act is ordered to take immediate effect.

Approved April 21, 1887.

[No. 440.]

AN ACT to detach certain territory from the township of Gerrish in the county of Roscommon in this State, and to organize the township of Markey, in said county.

SECTION 1. *The People of the State of Michigan enact, That* Territory detached and organized. the surveyed township number twenty-three north, of range three west, and now forming part of the township of Gerrish in the county of Roscommon, be and the same is hereby detached

	from the said township of Gerrish, and organized into a separate township to be known as the township of Markey.
First annual town meeting.	SEC. 2. The first annual meeting of the township of Markey shall be held on the first Monday in May, in the year eighteen hundred and eighty-seven, at the house of Benjamin Foster, on section nine, town number twenty-three north, of range three west, and Benjamin Foster, Almer Sergeant, and Herman C. Hoke are hereby made and constituted a board of inspectors of said township election, and at such election the qualified voters shall elect, by ballot, persons to fill the various township offices, in manner and form as provided by the general laws of this State in case of township elections.
Board of inspectors.	
Election, how conducted.	
Township meeting may be held at other than time specified.	SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time specified for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least five days' notice of the time and place of holding such meeting, by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors of election, or a majority of them.
In case of the absence of one or more inspectors their places to be filled.	SEC. 4. If for any reason all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township, who shall be present at the time designated for opening the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election in place of such inspectors who shall neglect or be unable to attend said meeting.
Board of registration.	SEC. 5. And the said Benjamin Foster, Almer Sergeant and Herman C. Hoke, or a majority of them, shall constitute a board of registration, with the like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the said house of Benjamin Foster, on section nine, town twenty-three north, of range three west, on Saturday preceding said election, notice of which may be given in the same manner and for the same time as provided in section three of this act.
Session of.	
Notice.	
	This act is ordered to take immediate effect.
	Approved April 21, 1887.

[No. 441.]

AN ACT to amend section one [1] of act number two hundred and seventy-four of the local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Hancock," approved March nineteen, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact, That* section one of act number two hundred and seventy-four of the

Section amended.

local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Hancock," approved March nineteen, eighteen hundred and seventy-five, be and the same is hereby amended so as to read as follows:

SECTION 1. That all that tract of country situated in the town-<sup>Territory
Incorporated.</sup>ship of Hancock, in the county of Houghton, known and designated on the plats in the land office of the Upper Peninsula district as a part of lot number three in section thirty-five, a part of the southwest quarter of the southeast quarter of section twenty-six, and parts of lots number one and two of sections thirty-five, and a strip off the southeast quarter of the southwest quarter of section twenty-six, all in town fifty-five north, of range thirty-four west, according to the recorded plat of said village of Hancock, as recorded in the register's office for the county of Houghton; also all that piece or parcel of land situate in section thirty-five, in township fifty-five north, of range number thirty-four west, known and described as follows: commencing at a point four hundred and forty-three and seventy-eight one-hundredths feet east and sixty feet south of the corner post of sections twenty-six, twenty-seven, thirty-four and thirty-five, township fifty-five north, of range thirty-four west, said point being the intersection of the south boundary of Quincy street and the north boundary of the right of way of the Mineral Range Railroad Company, running thence east and parallel to the line between sections twenty-six and thirty-five [35] four hundred and ninety-two and seventy-two one-hundredths feet to the west boundary of block fifteen of the village of Hancock, thence south at right angles to said section line along the said west boundary of said block fifteen, two hundred and forty feet, thence west and parallel to said section line, one hundred and twenty-nine and forty-three one-hundredths feet to the north boundary of said right of way of said railroad, thence northerly fifty-six degrees and thirty-three minutes west, along the said right of way four hundred and thirty-five and forty-one one-hundredths feet to the place of beginning, be and the same is constituted a village corporate by the name of the village of Hancock.

This act is ordered to take immediate effect.

Approved April 21, 1887.

[No. 442.]

AN ACT to amend section one of article two, and sections one and three of article three, section six of article five, sections two and three of article fourteen, section one of article seventeen and section one of article eighteen, of act number three hundred and twenty-one of the local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Zeeland, Ottawa county, Michigan," approved April ten, eighteen hundred and seventy-five.

SECTION 1. *The People of the State of Michigan enact, That*

Sections
amended.

section one of article two and sections one and three of article three, section six of article five, sections two and three of article fourteen, section one of article seventeen and section one of article eighteen of act number three hundred and twenty-one of the local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Zeeland, Ottawa county, Michigan," approved April ten, eighteen hundred and seventy-five, be and the same are hereby amended so as to read as follows:

ARTICLE II.

OFFICERS OF SAID VILLAGE.

Officers.

SECTION 1. The officers of said village shall be a president, four trustees, one marshal, one clerk, one treasurer, who shall also be collector of taxes and assessments, one assessor, and one pound-master, and such other officers, to be appointed as hereinafter provided, as may be necessary to carry out the provisions of this act. The board of trustees shall consist of the president and the four trustees, a majority of whom shall be necessary for the transaction of business, but a less number may adjourn from time to time.

Board of
trustees.

ARTICLE III.

OF THE ELECTION OF OFFICERS.

Election of
officers.

SECTION 1. The inhabitants of said village having the qualifications of electors under the constitution of this State, shall meet at the village hall in said village on the first Tuesday in May, in the year of our Lord one thousand eight hundred and eighty-seven, and there proceed by plurality of votes to elect by ballot, from the qualified electors residing in said village, one president, one marshal, one clerk, one treasurer, one assessor and one pound-master, who shall severally hold their office for one year from the date of their election, and until their successors are elected and qualified; and two trustees for the term of two years and two trustees for the term of one year, and annually thereafter two trustees shall be elected for the term of two years.

Terms of office.

Time of hold-
ing elections
after the first.

SEC. 3. Elections for officers of said village shall be held on the third Tuesday of April in each year (after the first) at such place as shall be designated by the board of trustees, except as provided at said first election.

ARTICLE V.

To appoint,
with consent of
trustees, cer-
tain officers.

SEC. 6. He shall appoint, by and with the consent of the trustees, a street commissioner, fire warden and such other officers as may be necessary to carry out the provisions of this act, and for the preservation and maintenance of the public peace and good order, not otherwise provided for in this act, and also a

night watchman who shall be paid from a fund for that purpose provided by means of an assessment to be made annually upon the taxable property of said village, or in case said watchman be appointed to act as such only for the business street or streets, then upon the taxable property along such street or streets: *Provided*, That no officer so appointed shall hold his office for a longer time than during the official term of the president so appointing him, or until his successor in office is appointed and qualified. Provide as to term of office.

ARTICLE XIV.

OF THE ASSESSMENT OF TAXES.

SEC. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice, by posting in at least three public places in said village, that on a certain day, and at a certain place in said village therein named, he, together with the two trustees whose term of office shall soonest expire, will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard. Notice of review.

SEC. 3. The assessor and trustees aforesaid, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment, and if, in their judgment, it shall appear that any person has been wrongfully assessed, the assessor and trustees aforesaid, by majority vote, shall then and there, and at no other time, alter such assessment roll as shall appear to them to be just and proper. The assessor and either of said trustees shall be a quorum and in the absence of said other trustee may proceed with said review. Review of assessment.
Quorum.

ARTICLE XVII.

OF THE REGISTRATION OF ELECTORS IN SAID VILLAGE.

SECTION 1. The president, clerk and one of the trustees shall constitute the village board of registration. Board of registration.

ARTICLE XVII

SECTION 1. The president, clerk and one of the trustees shall be the inspectors of election. Inspectors of election.

This act is ordered to take immediate effect.

Approved April 21, 1887.

[No. 443.]

AN ACT to authorize the Calhoun County Agricultural Society to mortgage its real estate.

Calhoun county
agricultural
society author-
ized to borrow
money and
mortgage
property.

Proviso.*

SECTION 1. *The People of the State of Michigan enact*, That the Calhoun County Agricultural Society be and the same is hereby authorized to borrow money, not exceeding the sum of fifteen hundred dollars, at a rate of interest not to exceed seven per cent, and to secure the same by mortgage upon its real estate: *Provided, however*, That said society shall not be authorized to mortgage said real estate unless ordered so to do by a two-thirds vote of the board of directors of said society.

This act is ordered to take immediate effect.

Approved April 22, 1887.

[No. 444.]

AN ACT to legalize the proceedings had in laying out, cleaning out, clearing, deepening and completing a certain ditch or drain in the township of Byron, in the county of Kent, known and designated as "The Buck creek drain," and to legalize the tax therefor.

Certain pro-
ceedings
legalized.

SECTION 1. *The People of the State of Michigan enact*, That all of the proceedings had in the laying out, establishment, cleaning out, clearing, deepening and completing of a certain ditch or drain in the township of Byron, in the county of Kent, known and designated as "The Buck creek drain," are hereby declared to be legalized, and the taxes assessed therefor upon the rolls of said township of Byron are hereby declared to be a legal and valid existing lien upon the property assessed, for the full amount of such taxes, as though the proceedings heretofore had were regular in every particular.

This act is ordered to take immediate effect.

Approved April 22, 1887.

[No. 445.]

AN ACT to detach certain territory from the township of Pine River in the county of Gratiot, and to attach the same to the township of Arcada in said county.

Territory
detached and
attached.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-three [33] and section thirty-four [34] of the township of Pine River in the county of Gratiot, be and the same are hereby detached from the said township of Pine River and be and are hereby attached to the township of Arcada in said county, and form a part of said township of Arcada.

SEC. 2. The taxes assessed for the year eighteen hundred and eighty-six on said sections by the supervisor of the township of Pine River, shall be paid in the same manner as other taxes assessed in said township to the treasurer of said township, and belong to said township and be paid out by the treasurer thereof for the same purposes for which they were assessed. Taxes for 1886.

SEC. 3. The territory hereby detached from the said township of Pine River and attached to the said township of Arcada, shall pay its proportion of the bonded indebtedness now existing against said township of Pine River, as the said bonded indebtedness becomes due and payable, and the supervisor of the township of Arcada shall assess the territory hereby detached to pay its proportion of said indebtedness the same as other property is assessed in the township, and when the amounts so assessed shall be collected, the township treasurer of the township of Arcada shall pay the same over to the township treasurer of the township of Pine River, to pay the proportion of the territory hereby detached of the said bonded indebtedness of said Pine River township. Territory detached shall pay its portion of bonded indebtedness of Pine River township.

This act is ordered to take immediate effect.

Approved April 23, 1887.

[No. 446.]

AN ACT to amend an act entitled "An act to revise the charter of the city of East Saginaw," being act number three hundred and fifty-five, local acts of eighteen hundred and eighty-five, approved May nineteenth, eighteen hundred and eighty-five, being amendatory of an act entitled "An act to incorporate the city of East Saginaw," approved February fourteen, eighteen hundred and fifty-nine, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That an act entitled "An act to revise the charter of the city of East Saginaw," being act number three hundred and fifty-five, local acts of eighteen hundred and eighty-five, approved May nineteenth, eighteen hundred and eighty-five, being amendatory of an act entitled "An act to incorporate the city of East Saginaw," approved February fourteen, eighteen hundred and fifty-nine, as amended by the several acts amendatory thereof, be and the same is hereby amended so as to read as follows: Act amended.

TITLE I.

SEC. 2. Said city shall be divided into nine wards, as follows: All that part of the city lying north of the center of Miller street shall constitute the first ward; all that part of the city lying between the center of Miller street and the center of Johnson street shall constitute the second ward; all that portion of said First ward. Second ward.

- Third ward.** city bounded on the east by the east city line, on the north by the second ward, on the west by the ninth ward and on the south by the fourth ward shall constitute the third ward of said city; all that portion of said city lying between the center line of William street to its junction with Genesee avenue, thence along the center of Genesee avenue to the center line of Janes street, thence along the center line of Janes street to the east city line, and the center line of Hoyt street to where said line shall intersect the center line of Walnut street, thence along the center line of Walnut street to the east city line shall constitute the fourth ward; all that part of the city lying south of the center line of Hoyt street and west of the center line of Maple street, including its intersection with Martha street, and as extended south on the section line to the south line of section thirty, and lying north of Webber street and the Mackinaw road (so called) shall constitute the fifth ward; all that portion of said city lying east of the east boundary line of the fifth ward and south of the south boundary line of the fourth ward shall constitute the sixth ward. The seventh ward shall consist of so much of said territory as lies north of a line drawn by commencing at the quarter post on the east line of said section thirty-six, and running thence west along the quarter line to the center of the street known as Saginaw street, thence northwesterly along the center of said last named street to its intersection with the center of Gallagher street, thence westerly along the center of said Gallagher street to the center of Mackinaw street, thence northerly along the center of Mackinaw street to the center of Center street, thence westerly along the center of Center street to the west line of Water street, thence north thirty-three feet to the north line of Center street, thence by a right angle to Water street westerly to the center of Saginaw river, and all of said territory lying south of said above described line shall be and constitute the eighth ward of said city; all that portion of the city lying between the center of Johnson street and the center of William street, west of Park street in said city, shall constitute the ninth ward.

TITLE II.

- Special election for ninth ward.** **SEC. 30.** Within twenty days after this act shall take effect, the common council shall call a special election of the qualified voters of said ninth ward, at a time and place to be designated by said council, at which there shall be elected one school inspector for the term of one year; one school inspector for the term of two years; one alderman, to serve until the election of his successor, at the next annual charter election; one constable, for the last named period; one alderman, to serve until the election of his successor at the annual charter election of eighteen hundred and eighty-nine; and one supervisor for the last named period. The like notices shall be given and said election shall be held in like manner as is now provided for the holding of special elections in said city, under the present charter thereof.
- Officers to be elected.**
- Notice of special election.**

SEC. 31. The common council are hereby authorized and required, at least five days before said election, to appoint three resident electors of said ward as a board of registration, for the purpose of registering, pursuant to the charter of said city, the electors of said ninth ward; and also to serve as inspectors of election in said ward at said special election. All electors residents in said ninth ward, who have been heretofore duly registered in district number two of the original third ward of said city, shall be entitled to vote at the election held in said ninth ward without re-registration, and the list of electors of said district number two, registered heretofore, shall and hereby is declared to be the list for said ninth ward.

Board of registration and inspectors.

Who considered registered.

SEC. 32. All the officers of the third ward, resident in the said ward, as its boundaries are now defined, shall continue to hold office for the several periods for which they were elected or appointed, unaffected by the division of said ward.

Officers of third ward to continue in office.

TITLE III.

SEC. 6. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present less than a quorum may adjourn said meeting to the next regular meeting or to any time prior to the next regular meeting, and require the clerk to give notice thereof as of special meetings; and such adjournment shall operate to carry with it all business and proceedings postponed to or set down or noticed for such regular meetings, or for any special or adjourned meeting; and no business or proceedings postponed or set down or noticed for any special, regular or adjourned meeting shall lapse or fail or become invalid or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon at the next regular, or adjourned, or special meeting. No public improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services or labor authorized to be done, or material purchased, nor any contract awarded or let, nor any money appropriated, to be paid for, or out of, or by means of any special assessment or tax, or from the city treasury, except by a concurring vote of ten members of the common council, including the vote of the recorder when presiding in the absence of the mayor: *Provided*, No member of the common council shall be excluded from voting upon any question of improvements, levying assessments or taxes, or any other proceeding, by reason of his personal or private interest in said improvement, assessment, taxes or any property to be affected by it; nor shall such vote prejudice, void, or invalidate any action by the common council by reason or on account of any such interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract or bond, appropriating or expending any moneys, and on the final passage of any ordinance the names of the mem-

Quorum.

Adjournment.

Vote necessary to order public improvements, etc.

Proviso.

Yeas and nays.

Boundaries of streets, etc.	bers voting for or against the same, by yeas and nays, shall be entered upon the record of proceedings.
Fires, lighting, etc.	SEC. 9. The common council may ascertain, establish and settle the boundaries of all streets and alleys in said city, prevent and remove all encroachments thereon, and exercise all other powers conferred upon them by this act in relation to highways, the prevention of fires and the levying of taxes. They shall have power to advertise for proposals and contract for the lighting, by gas, electric or other lights, of the streets, public buildings, parks, and spaces for the term of not less than one nor more than five years under any one contract. They may also require transient
Licensing traders, etc.	traders and dealers to take out license before engaging in business, and regulate the terms and conditions of issuing the same, and in addition to all other powers hereinbefore granted may make and enforce all such other and further ordinances not inconsistent with the constitution or general laws of the State, as they shall deem the public safety and welfare of said city to require.

TITLE IV.

Supervisors.	SEC. 17. The supervisors of the several wards of said city shall be members of the board of supervisors of Saginaw county, and shall perform all the duties of supervisors of townships, except as herein otherwise provided, and except as to such duties as are herein especially devolved upon other officers of said city, and shall be entitled to the same compensation as township supervisors, and to such additional compensation as is hereinbefore provided.
Assessor, controller, etc.	The assessor, the controller, the recorder, and the city attorney shall be members of the board of supervisors of Saginaw county, and represent the interests of this corporation in said board; and, as such supervisors, shall be entitled to receive the same compensation as other supervisors, for attendance upon said board.

TITLE V.

Tax one-half of one per cent. for general fund.	SEC. 2. For the purpose of defraying the ordinary expenses and liabilities incurred by said city, and paying the same, the common council may raise annually, by tax levied upon the real and personal property within said city, for the general fund, such sum as they may deem necessary, not exceeding one-half of one per cent on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof taken from the assessment roll of the year preceding the levying
One-half of one per cent for highway fund.	of such tax; and the common council may, in addition thereto, levy such sum, not exceeding one-half of one per cent of the valuation of the preceding year, as they may deem necessary, for highway purposes, to be paid into the highway fund; and the common council may also, in addition to the above, levy such
Two-tenths of one per cent for fire department fund.	sum, not exceeding two mills on the dollar of the valuation of the preceding year, as they may deem necessary for defraying the expenses and making improvements in the fire department, to

be credited to the fire department fund, and which shall be raised, assessed and collected on the same roll and in the same manner as the other city taxes. If the common council shall deem it expedient for the purposes of the city to levy a larger tax than is allowed by this section, they may, by giving ten days' notice by publishing the same in a newspaper published in said city, and posting a notice thereof in three public places in each ward in said city, call a meeting of the inhabitants of said city, at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct, and such tax shall be levied, assessed and collected in the same manner as is provided for the levying or collection of the other taxes mentioned in this act: *Provided*, That the manner of voting at such meeting shall be by ballot, and that no person shall vote at such meeting who is not an elector of said city. The mayor of said city, or, in his absence, the recorder, shall preside at such meeting; and in the absence of both the mayor and recorder, the electors present may elect one of their number to preside at such meeting. The common council may direct by ordinance the manner of receiving, counting and certifying the ballots cast at said meeting.

Larger tax may be levied if voted.

Provido as to holding election, etc.

SEC. 8. Before delivering said roll to the treasurer, a warrant shall be issued and annexed to such tax or assessment roll, signed by the controller and under the corporate seal of the city, directed to the treasurer, commanding and authorizing him to collect from the persons named in said assessment roll the tax or assessment therein set forth, due from such persons and unpaid on said roll on the first day of November next ensuing, together with interest at the rate of one per cent per month, from and after the first day of the preceding August, for the benefit of said city, together with such collection fee, as the common council may by resolution or ordinance prescribe, not exceeding three per cent, as compensation for the services of said treasurer in collecting the same, and for such purpose, if necessary, to levy upon and sell the personal property of any person or persons named in said roll refusing or neglecting to pay the same, wherever such personal property may be found within the limits of the county of Saginaw, which warrant shall be returnable on the first day of February next ensuing. Upon the receipt of the tax-roll by the treasurer, as hereinbefore provided, the taxes thereon shall become and be due and payable, and the treasurer shall forthwith, upon the reception of the said tax-roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward of said city, that the general city tax-roll has been deposited with him for collection, and that payment of the taxes therein specified may be made to him without addition to taxes paid before the first day of August then following, but that an addition of one per centum upon all unpaid taxes will be made thereto on that day, and a like addition of one per centum will

Warrant.

Contents of.

Treasurer, duty of.

To publish notice.

Tax to be
marked paid.

Proviso as to
special warrant.

be made for each month thereafter until the first day of February next following; and that the payment of all taxes remaining unpaid on the first Monday of November, will be enforced by levy and sale of any personal property which may be found in said county of Saginaw, belonging to the person against whom such tax is assessed, which notice shall be a sufficient demand for the payment of all taxes upon said roll. Upon the receipt of any tax the treasurer shall mark the same paid, upon the proper roll, adding after the word "paid" the day and month when paid: *Provided*, That if at any time after August first and before the first day of November next ensuing, the city treasurer shall become apprehensive of the loss of any personal tax on said roll, if the collection thereof be delayed until said first Monday of November, he may apply to and receive from the controller of the city a special warrant authorizing and empowering him to proceed to the immediate collection of such tax, by distress and sale of the property of the person against whom such tax is assessed.

TITLE VI.

Streets, etc.

Board of public
works to adver-
tise.

Proviso as to
making im-
provements
without con-
tract.

SECTION 1. The common council of the city of East Saginaw shall have full power to lay out, open, widen, alter, close, fill in, grade, pave, or otherwise improve, also to vacate or abolish any highway, street, avenue, lane, alley, public ground, or space in said city whenever they shall deem the same a necessary public improvement. When any public improvement of the character above specified, requiring the furnishing of material or performance of work, shall have been ordered by the common council, the board of public works shall advertise for the furnishing of such material and the performance of all the work so ordered, and the same shall be let to the lowest responsible bidder: *Provided*, That if after due advertisement for proposals for the improvement of any street, the cost of which, according to the estimates of the board of public works, does not exceed the sum of five hundred dollars, no bid is obtained the acceptance of which is recommended by said board, the common council is authorized to cause such improvement to be made under the direction of the board of public works, and to assess the cost thereof upon the private property specially benefited thereby in like manner as if the same had been let to the lowest bidder after due advertisement.

This act is ordered to take immediate effect.

Approved April 23, 1887.

[No. 447.]

AN ACT authorizing the city of East Saginaw to acquire by dedication, grant or otherwise, the right to use and maintain the "city line ditch," so called, for the purposes of drainage.

SECTION 1. *The People of the State of Michigan enact*, That

the city of East Saginaw be and the same is hereby authorized to acquire by contract with the lawful authorities of the township of Buena Vista, by dedication, grant or otherwise, the right to use and maintain for the purpose of drainage the "city line ditch," so called, commencing nineteen feet north of the point of intersection of the center line of Brewster street with the east line of Genesee avenue; thence easterly along Brewster street parallel with the center line of said street to an old water course which lies one rod, more or less, east of the east line of section thirty, town twelve north, range five east, thence following said water course northerly one rod, more or less, east of the east line of sections thirty and nineteen, town twelve north, range five east, to the south line of Johnson street produced, thence northerly across Johnson street, making center line of ditch coincident with the east line of said section nineteen to north line of Johnson street, thence north along said east line of section nineteen to the south side of Wadsworth street at its intersection with said water course, thence northerly along said water course one rod, more or less, east of the east line of sections eighteen and seventeen in town twelve north, range five east, to the prairie; thence northerly to a culvert of the Bay City branch of the Flint and Pere Marquette railroad.

Authorized to acquire right to use and maintain.

"City line ditch" description of.

SEC. 2. Whenever the city has acquired rights therein by contract, grant, dedication or otherwise, it shall have full right to enter upon, to take exclusive possession of, and to maintain the same for all the purposes of city drainage, and for that purpose to extend, enlarge or otherwise change the same as the public interest of said city may require: *Provided however*, That the said township of Buena Vista or its inhabitants shall not in any event, except by the consent of the properly authorized officers of said township, lose any existing right to drain into and make use of said ditch as a public drain.

Power of city to take exclusive control of.

Proviso as to right of Buena Vista township to drain into said ditch.

SEC. 3. If any person shall at any time after said city has assumed the control of said ditch, fill in the same, or in any manner dam or obstruct the flow of water therein, he shall be deemed guilty of a misdemeanor and be punished therefor in any court of competent jurisdiction.

Filling in or obstructing said ditch a misdemeanor.

This act is ordered to take immediate effect.

Approved April 26, 1887.

[No. 448.]

AN ACT to designate and establish a State road in Bay county, to be known as the "Williams and Garfield State road."

SECTION 1. *The People of the State of Michigan enact*, That the road or highway in Bay county, commencing at the southwest corner of section thirty-five, town fourteen north, of range three at, running thence north on the section lines to the southwest

Highway described, designated and named.

corner of section two, town fifteen north, of range three east, shall be established and designated a State road, to be known as the "Williams and Garfield State road."

Approved April 27, 1887.

[No. 449.]

AN ACT to change the name of Edwin N. Chapman to Edwin N. Brown.

Name changed. SECTION 1. *The People of the State of Michigan enact*, That the name of Edwin N. Chapman, of the city of Ann Arbor, county of Washtenaw and State of Michigan, be and the same is hereby changed to Edwin N. Brown.

This act is ordered to take immediate effect.

Approved April 27, 1887.

[No. 450.]

AN ACT to amend section three of chapter seven, section three of chapter fourteen, section six of chapter nineteen, sections three and fifteen of chapter twenty-one, sections fourteen and twenty-one of chapter twenty-two, section one of chapter twenty-three and section eleven of chapter twenty-five of act number three hundred and thirty-seven of the local acts of, eighteen hundred and eighty-three, entitled "An act to incorporate the city of Kalamazoo, and to repeal an act entitled 'An act to re-incorporate the village of Kalamazoo, and to repeal all inconsistent acts and parts of acts,' approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof," approved June eight, eighteen hundred and eighty-three, and to add eight new sections thereto to stand as section six of chapter six and sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen of chapter twenty-six respectively.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*. That section three of chapter seven, section three of chapter fourteen, section six of chapter nineteen, sections three and fifteen of chapter twenty-one, sections fourteen and twenty-one of chapter twenty-two, section one of chapter twenty-three and section eleven of chapter twenty-five of act number three hundred and thirty-seven of the local acts of eighteen hundred and eighty-three, entitled "An act to incorporate the city of Kalamazoo, and to repeal an act entitled 'An act to re-incorporate the village of Kalamazoo and to repeal all inconsistent acts and parts of acts,' approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof," approved June eighth, eighteen hundred and eighty-three, be and the same are

hereby amended so as to read as follows; also that eight new sections be added to stand as section six of chapter six, and sections nine, ten, eleven, twelve, thirteen, fourteen and fifteen of chapter twenty-six respectively. Sections added.

CHAPTER VI.

SEC. 6. The mayor shall have power to revoke any and all licenses granted by the city clerk, whenever in his judgment the good of the city will be subserved thereby. Power to revoke licenses.

CHAPTER VII.

SEC. 3. The city clerk shall be the general accountant of the city, and all claims against said city shall first be filed with him for adjustment, and when allowed by a majority vote of the city council, shall draw his warrant upon the treasurer for the payment thereof, designating therein the nature of the claim and the fund from which payment is to be made. When any tax or money shall have been levied, raised or appropriated, the clerk shall report the amount thereof to the city treasurer, stating the purposes and funds for which the same is levied, raised or appropriated, and the amounts thereof to be credited to each fund. Powers and duties of clerk relative to drawing orders, etc.

CHAPTER XIV.

SEC. 3. The marshal and police shall have and exercise within said city all the power given by law to constables for the preservation of the peace, and to apprehend and arrest offenders against the laws of the State. They shall have the power to enter any disorderly or gaming house, or dwelling house, or any other building where a felon is known or suspected to be secreted or harbored, or where any person is who has committed any breach of the peace, or where any felony or breach of the peace has been committed. It shall be the duty of the said marshal and police, and they are hereby fully authorized to suppress all riots, disturbances and breaches of the peace, to arrest upon view all persons fleeing from justice; to apprehend upon view any person found in the act of committing any offense against the laws of the State, and to take such persons before the proper officer or magistrate to be dealt with according to law; to make complaints before the proper officer or magistrate of any person known or believed by them to be guilty of crime, or having violated any ordinance or regulation of said city, or any of the laws of this State, and to serve all process, writs and warrants that may be delivered to them for that purpose, or that may be required in any prosecution for the violation of any ordinance or regulation of said city, or any of the laws of this State. In prosecutions under any city ordinance or regulation of said city, the marshal and regular police thereof shall have the same Marshal and police, powers and duties of.
To enter disorderly houses, etc.
To suppress riots, etc.
To make complaints.
To serve process, etc.

powers and shall perform the same duties as are given to and performed by constables under the laws of the State; and generally they shall perform all such duties pertaining to their respective offices as may be required by the city council.

CHAPTER XIX.

Chief engineer and assistant.

SEC. 6. On the nomination of the organized and accepted fire companies in said city, the city council may appoint a chief engineer and such assistant engineers as said council may deem necessary, who shall have such power and perform such duties in relation to their respective offices as said city council may direct.

Other officers of the department.

Said city council may also appoint such other officers of the department as they may deem proper, and prescribe their powers and duties. In case said organized fire companies shall fail to nominate a chief and assistant engineer, as [is] in this section provided, the city council shall appoint the same without nomination by said companies.

CHAPTER XXI.

Division of revenues into funds.

SEC. 3. The revenues raised by general tax upon the taxable property in the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

General fund.

First—General fund: To defray the contingent and other expenses of the city for the payment of which from some other fund no provision is made;

Fire and water fund.

Second—Fire and water fund: To defray the expense of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to construct and maintain the fire department and water-works of the city;

Street and bridge fund.

Third—Street and bridge fund: To defray the expenses of opening, repairing, widening, extending and altering streets, alleys and public grounds, building and repairing bridges, for paving, curbing, macadamizing and graveling public streets, highways, avenues and alleys and intersections of public streets and alleys, and repairing the same; for cleaning public streets, alleys and grounds and caring for the same, and for the construction and repair of crosswalks;

General sewer fund.

Fourth—General sewer fund: To defray the expenses of sewers, ditches and drainage and the improvement of water-courses;

Special assessment fund.

Fifth—Special assessment fund: Any money raised by special assessment, levied in any special assessment district or locality to defray the expenses of any particular public improvement, shall constitute a special fund for the purpose for which it was raised;

Other general funds.

Sixth, Such other general funds as the city council may from time to time constitute.

Collection of taxes.

SEC. 15. The city treasurer, upon receiving such tax rolls and warrants, shall forthwith proceed to collect such taxes in the same manner as provided in the State law for the collection of taxes by

township treasurers in townships, and charging the same percentage for collection fees as in said State law provided. And the said city treasurer shall receive and be paid by the city the sum of one per cent for the collection of all special assessment rolls, if collected without an extension of the original warrant, and four per cent on all sums collected after the extension of the original warrant. And such compensation, together with the per cent received by him for the collection of the general tax rolls, shall be in full compensation for all services of said city treasurer of every name or nature. And it is hereby made the duty of said city treasurer to collect the taxes assessed upon all special assessment rolls during the life of the original warrant, unless otherwise ordered by the city council.

Special assessment rolls.

CHAPTER XXII.

SEC. 14. At the time appointed for that purpose as aforesaid the city council and board of assessors shall meet as a board of review, and then or at some adjourned meeting, review the assessment, and shall correct the same if necessary. And the council may then confirm it, or they may refer the assessment back to the assessors for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed the clerk shall endorse a certificate thereof, upon the roll of each supervisor in whose ward the whole or any part of such special assessment shall be made, of the special tax belonging to and to be assessed in his ward, and showing the date of confirmation.

Review, correction, etc., of assessment.

Certificate of confirmation.

SEC. 21. When any special assessment shall be confirmed and be payable as hereinbefore provided, the city council, instead of requiring the assessment to be levied in the city tax rolls, as provided in the preceding section, may direct the assessment to be made in a special assessment roll and to be collected directly therefrom; and thereupon said board of assessors shall cause to be attached thereto a warrant under their hands or a majority of said board, commanding the city treasurer of the city to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chattels of such person; and that he pay the money collected into the city treasury, and that he return the said roll and warrant, together with his doings thereon, in thirty days from the date of such warrant. Such warrant may be renewed from time to time by the city council, not exceeding ninety days in all; and after the first renewal it shall be lawful to charge three per cent upon each unpaid assessment as cost of collection, and after each and every other extension or renewal it shall be lawful to charge four per cent.

Collection, when made in separate roll.

Warrant.

Renewal of warrant.

CHAPTER XXIII.

APPROPRIATION OF PRIVATE PROPERTY.

Proceedings in taking private property for public use. **SECTION 1.** Whenever it is deemed necessary by the city council to take or appropriate any private property, right of way, interest or estate therein for any public improvement or use, the proceedings [therein] shall be as follows, viz.: The city council shall first declare by resolution that they deem it for the interest of said city to take the property, interest or estate therein for public use or improvement, which resolution shall describe the property and interest or estate therein proposed to be taken and the particular purpose for which it is proposed to take the same.

Resolution of council. The said city council shall thereupon cause notice thereof to be given to the owners or occupants or persons interested, or his or their agent or representative, so far as they can be ascertained, by personal service, or by posting up such notices in three or more public places in said city, stating the time and place, when and where said council will meet to consider such resolution, which notice shall describe the property and the interest or estate therein proposed to be taken, and the purpose for which it is proposed to take the same; and which notice shall be served or posted up as aforesaid at least ten days before the time of meeting.

Notice of consideration of resolution. If, after hearing the persons interested who may appear at such meeting, the said city council shall still deem it for the interests of said corporation to take such property, interest or estate therein for the particular public use or improvement mentioned, they shall confirm said resolution, and then they may, either as a council or through a committee thereof to be named by the mayor, proceed to treat with the parties interested in the property proposed to be taken, and obtain a release or conveyance thereof by gift or purchase.

Confirmation of resolution. If such conveyance or release shall not be obtained by treaty from said parties or any of them, then it shall be lawful for the mayor of said city, or, in case of his absence from the city, for the city clerk, to apply to the city recorder, and in case of his inability to act, then to apply to the judge of probate of Kalamazoo county for the appointment of a jury of twelve freeholders of the city to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages thereon to such persons as shall not have released all claim for damages or agreed with the committee or city council on the price to be paid by reason of the taking or using such private property, interest or estate therein for such specified purpose, which application shall describe the grounds and premises and the interest or estate therein proposed to be taken and the purpose for which it is proposed to take the same.

Release of property. Notice of such intended application, together with a copy of the same, shall be served on the parties interested in the property proposed to be taken who have not released or agreed upon the compensation to be received therefor, at least four days before

When release cannot be obtained application to be made for jury.

Notice of intent to make application, etc.

the same is presented to such city recorder or probate judge. Such service may be made on such persons personally or by publication for the same length of time in some newspaper printed in said city. Upon receipt of such application, the recorder or probate judge to whom the same is presented shall make a list of twelve disinterested freeholders residing in said city, having the qualifications of jurors in courts of record of the State, and shall issue a *venire* under his hand, directed to the marshal or any constable of the city of Kalamazoo, commanding the officer therein named to summon the persons named in said list to be and appear at his office, or at some other convenient place in said city to be therein designated, on some day to be therein named, not less than six nor more than twelve days from the time of issuing the same, to serve as jurors to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages occasioned by taking the property, interest or estate therein mentioned. If all the jurors shall not appear, or if any be disqualified for any reason, the said recorder or probate judge shall cause a sufficient number of talesmen, to be named by said recorder or probate judge having the qualifications aforesaid, to be summoned as aforesaid, to make a full jury. No person shall be incompetent to serve as a juror on account merely of such interests as he may have in common with the inhabitants of the city in the result of the proceedings. Any person summoned as a juror may, on the demand of any person or persons interested, be sworn and examined, touching his competency to act as a juror in the proceedings, and if it appear on such examination to the satisfaction of the recorder or probate judge, before whom such proceedings are had, that any juror is directly interested in such proceedings, or unduly biased or prejudiced in regard thereto, such juror shall be excused. The jurors shall be sworn by such recorder or probate judge to inquire into and ascertain the necessity for taking and using such property for the use and benefit of the public, and the just compensation to be made therefor, and to appraise the damages occasioned by taking the property, interest or estate therein described in such application for the purpose aforesaid. They shall select a foreman from their number and shall then proceed to view the premises described and hear proofs, and for that purpose the foreman shall have power to swear, and shall swear all witnesses offered by either party, and within five days from the closing of proofs shall make return in writing to the said recorder or probate judge before whom the proceedings were had, signed by them, of their doings, which shall state their finding in regard to the necessity aforesaid, and the amount of damages awarded, if any, to whom payable, if known, and a statement of the time spent by them for that purpose, which return shall be certified by said recorder or probate judge under seal, and forthwith filed in the city clerk's office. Such jurors shall be entitled to receive one dollar and fifty cents per day. The judge of pro-

Service of.

How made.

Drawing jury.

Venire, etc.

Talesmen.

Competency of jurors.

Jurors to be excused if interested.

Jury to be sworn to inquire into, etc.

To view premises, hear proofs, etc.

Returns, how made and what to state.

Compensation of officers and jurors.

bate, if such proceedings are had before him, for his services shall receive five dollars for such proceedings; the fee of the officer summoning such jury shall be one dollar.

CHAPTER XXV.

Trial by jury. SEC. 11. In all prosecutions for violations of the ordinances of the city, whether commenced by summons or warrant, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons and shall be selected and drawn as is provided by law for selecting and drawing juries in the recorder's court of said city. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested, on account merely of such interests as he may have in common with the inhabitants of the city in the result of the suit.

CHAPTER XXVI.

District No. 1 empowered to purchase lands, erect buildings, etc. SEC. 9. It may and shall be lawful at any time for school district number one of the city and township of Kalamazoo to select a site for a public library building for said school district, and to purchase any real estate, with or without buildings thereon, designated as such site, and it shall also be lawful for said school district to erect and maintain upon any such site a building or buildings for the use of the public library of said district.

Selection and purchase of property, how made. SEC. 10. The selection of such site and the purchase of the property for the same may be made by the board of education of said district, or in case said board shall not make such selection, the same may be made by said district at any regular meeting or at any special meeting legally called for that purpose. In case said selection shall be made by said school district, the same shall be done by a two-thirds vote of the qualified voters of said district present and voting at such meeting, and the proceedings shall conform in every respect with the general school law for the designation of sites for school-houses.

Public library building, when it may be erected. SEC. 11. No public library building shall be erected by said board of education until the same shall be authorized by said district at some regular meeting of said district, or at some special meeting legally called for that purpose, by a majority vote of the qualified voters present and voting upon the subject at any such meeting.

How lands may be condemned for site for library building. SEC. 12. When a site for such library building shall have been selected by said board or said district, and the said board or district shall be unable to agree with the owner or owners of the property desired for said site upon the compensation to be paid therefor, for any reasons stated in the general school law relating to the procuring of sites for school-houses, proceedings may be taken by said district, or by one of the members of the board to be designated by said board, for the purpose of condemning the land so

desired, which proceedings shall conform in every respect with the provisions of the general school law relative to condemning property for school-house sites.

SEC. 13. Said school district may, by a two-thirds vote of the qualified voters present and voting at any annual meeting or a special meeting called for that purpose, borrow money and may issue bonds of the district therefor to pay for a site for a library building for said district, and to erect and furnish a library building: *Provided*, That the indebtedness of said district shall not extend beyond ten years for money borrowed, and the proceedings in voting upon said subject shall conform with the provisions of the general school law relative to borrowing money and issuing [the] bonds of school districts to pay for school-house sites and for the erection and furnishing of school buildings, and bonds when voted shall be issued by the board of education in the same manner as provided in said general law.

Districts may borrow money, issue bonds, etc.

Proviso as to manner.

SEC. 14. Moneys voted by the board of education, or by said district, and moneys to pay bonds issued by said district for a site for a public library building, and for the erection and for the furnishing of such library building shall be raised by a tax on the taxable property of said district, in the same manner as taxes for purchasing sites for and erecting and furnishing of school buildings.

Moneys to be raised by tax.

SEC. 15. The library building which may be so erected shall be under the management, charge and control of the board of education the same as are the other school property and buildings of said district.

Control of library building.

This act is ordered to take immediate effect.

Approved April 27, 1887.

[No. 451.]

AN ACT to amend sections eleven, thirteen and nineteen of act number three hundred and thirty-one, session laws of eighteen hundred and seventy-one, entitled "An act to revise an act entitled 'An act relative to free schools in the city of Grand Rapids,' approved March fifteenth, eighteen hundred and seventy-one, as amended by an act approved April twenty-fourth, eighteen hundred and seventy-five," approved May ninth, eighteen hundred and seventy-seven, as amended by the various acts amendatory thereto.

SECTION 1. *The People of the State of Michigan enact*, That sections eleven, thirteen and nineteen, act number three hundred and thirty-one, session laws of eighteen hundred and seventy-one, entitled "An act to revise an act entitled 'An act relative to free schools in the city of Grand Rapids,' approved March fifteenth, eighteen hundred and seventy-one, as amended by an act approved April twenty-fourth, eighteen hundred and seventy-five," approved May ninth, eighteen hundred and seventy-seven, as amended by

Sections amended.

the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Power and authority of board of education.

SEC. 11. The board of education of said city shall have power and authority to designate and purchase school-house sites; to construct and erect school buildings and furnish the same; to employ superintendents, teachers, librarians, janitors and workmen; to provide room, furniture, apparatus, books, and charts, and all things requisite for the district library; to provide apparatus and scientific collections for illustration; to establish, locate and maintain high schools, grammar schools, primary schools, and industrial or manual training schools; to establish and maintain a district library; to purchase, exchange, repair and improve the school apparatus, books, furniture, appendages, fixtures, text-books, and all other school supplies used in said schools; to supply and loan to all pupils in the several grades and departments of said schools, free of charge, but under such rules and regulations as the board shall prescribe, all text-books and supplies used and to be used by the pupils of said schools; to collect in and recover back all books and apparatus heretofore loaned and given to indigent pupils of the public schools of said city; to do all things needful and desirable for the maintenance, prosperity and success of said schools, and the promotion of the thorough education of the pupils thereof; and to adopt by-laws and rules for the procedure of the board, and to make and enforce all needful rules and regulations for the control and management of the schools and district library of said city. Said board shall collect from the county treasurer, or other officer holding the same, all moneys appropriated for primary school and district library purposes. Said board may, in its discretion, purchase and loan text-books and supplies to the pupils of any one or more of said grades and departments.

Election of superintendent and treasurer.

SEC. 13. Said board shall annually, at their first meeting in May or within twenty days thereafter, elect a superintendent of schools, who shall enter upon the duties of his office on the tenth day of July thereafter; and said board shall also annually, upon the first Saturday in September, elect a treasurer who shall enter upon the duties of his office as soon as he has qualified as herein-after required. The treasurer shall have the keeping of all school and district library moneys, and shall pay the same out only upon the order of said board, signed by the secretary and countersigned by the president, which order shall show the object for which payment is required. Said treasurer shall give a bond to said board, with sufficient sureties, and in an amount to be approved by said board, conditioned for the faithful performance of the duties of his office, which bond shall be filed with the clerk of said city. Either of said officers may be removed for incompetency or breach of duty, and a vacancy in either of the said offices shall be filled by said board for the unexpired term.

Duties of treasurer.

Removals and vacancies.

Board may borrow money for temporary purposes.

SEC. 19. The board of education may, from time to time, on such terms of payment as they may deem proper, borrow money for temporary school purposes, not to exceed in all thirty thou-

sand dollars in any one year, and to issue the bonds of said board therefor, which amount shall be paid from the first school taxes collected thereafter.

This act is ordered to take immediate effect.

Approved April 27, 1887.

[No. 452.]

AN ACT to repeal sections four, five, six, seven and eight of article sixteen, of act number three hundred and forty-eight of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to re-incorporate the village of Fenton," and to amend section seven of article six, section three of article sixteen, section four of article seventeen and section one of article twenty-six of act number three hundred and forty-eight of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to re-incorporate the village of Fenton," and sections two and eight of article six of act number three hundred and forty-eight of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to re-incorporate the village of Fenton, as amended by act number three hundred and sixty-two of the local acts of eighteen hundred and seventy-nine, being an act entitled 'An act to amend section two of article six, and to add a new section thereto to stand as section eight of act number three hundred and forty-eight, of the session laws of eighteen hundred and sixty-nine,' approved March twenty-sixth, eighteen hundred and sixty-nine, entitled 'An act to re-incorporate the village of Fenton.'"

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
 section seven of article six, section three of article sixteen, section four of article seventeen, and section one of article twenty-six, of act number three hundred and forty-eight of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to re-incorporate the village of Fenton," and sections two and eight of article six of act number three hundred and forty-eight of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to re-incorporate the village of Fenton, as amended by act number three hundred and sixty-two, of the local acts of eighteen hundred and seventy-nine, being an act entitled 'An act to amend section two of article six and to add a new section thereto to stand as section eight of act number three hundred and forty-eight, of the session laws of eighteen hundred and sixty-nine,' approved March twenty-sixth, eighteen hundred and sixty-nine, entitled 'An act to re-incorporate the village of Fenton,'" be and the same are hereby amended so as to read as follows:

ARTICLE VI.

Power of board of trustees to:	SEC. 2. The board of trustees shall have full power within said village:
Elect president <i>pro tem.</i>	<i>First</i> , To elect one of their number president <i>pro tem.</i> , as hereinafter provided;
Define power and duties of officers.	<i>Second</i> , To declare and define the powers and duties of the officers of said village whose powers and duties are not specifically prescribed in this act;
Determine amount, etc., of sureties.	<i>Third</i> , To determine the amount and sufficiency of the sureties in the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty;
Care, etc., of public property.	<i>Fourth</i> , To provide for the care, custody and preservation of the public property of said village;
To see that officers perform their duties.	<i>Fifth</i> , To see that the several officers of the village perform their duties faithfully and correctly, and the proper measures are taken to punish neglect of duty in any of them;
Purchase fire-engine, etc.	<i>Sixth</i> , To purchase and keep in order fire-engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department and define their duties and prescribe penalties for their delinquencies;
Establish fire limits, etc.	<i>Seventh</i> , To establish fire limits within which no wooden building shall be built, nor no building whose outside walls shall be part wood and part some other material enlarged or placed; to regulate party walls, chimneys, flues and putting up stoves and stove-pipes; to regulate the construction of smith-shops, planing establishments, bakeries and other buildings considered extra hazardous; to guard against fires, and to compel the owners of lots, or the owners or occupants of building or buildings in such portions of the village as they shall deem best, to provide one or more fire buckets and to regulate the keeping of the same;
Prevent vice and immorality, etc.	<i>Eighth</i> , To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain and close up all disorderly houses, houses of ill-fame or licentiousness, gaming tables or any other device or instrument for gaming, and to punish the keepers of the same when kept in violation of any by-law, rule, regulation or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors and drunkards to be apprehended and punished, and for that purpose may use the common jail of the county of Genesee;
Apprehend and punish certain persons.	<i>Ninth</i> , To increase the tax for the sale of spirituous or fermented (fermented) liquor not to exceed three hundred dollars; also shall have power to tax all billiard tables kept for public use, not to exceed one hundred dollars each;
Increase tax for sale of liquors.	<i>Tenth</i> , To license and regulate caravans, circuses, theatres, shows, traveling concerts, auctioneers or auction sales, Dutch auctions, gift enterprises, hawkers, hucksters, peddlers, pawn-brokers, hacks, omnibuses and other vehicles for carrying pas-
License caravans, etc.	

sengers, or prohibit them from soliciting patronage of the community within the limits of said village;

Eleventh, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the streets [street] unfastened;

Prevent immoderate driving, etc.

Twelfth, To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow-chandler shop, butchers' stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of said village, and to punish persons for committing any nuisance or violating any ordinance in relation to the same;

Abate nuisances, etc.

Thirteenth, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt, and every incumbrance or obstruction;

Compel owners etc., to clean walks, etc.

Fourteenth, To regulate the storage of powder, naphtha, nitro-glycerine, combustibles, oils, burning fluids, lumber and other combustible material, and the storage and exhibition of fire-crackers and other fire-works;

Regulate the storage of powder, etc.

Fifteenth, To prevent the use of fire-arms, slung-shots, metal knuckles and other weapons;

Prevent use of fire-arms, etc.

Sixteenth, To regulate markets for the sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime and lumber;

Regulate markets.

Seventeenth, To restrain horses, cattle, sheep, swine, mules and other animals, geese and other fowls from going at large in the streets of said village, and to prevent the tying or staking of horses, cattle or other animals, in any of the public streets, lanes or alleys or public parks for the purpose of baiting or grazing in said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large, tied or staked, in violation of any by-law, rule, regulation or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

Restrain horses, etc., from running at large, etc.

Establish pounds.

Eighteenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

Prevent the running at large of dogs, etc.

Nineteenth, To erect lamps, and to cause the public grounds and such of the streets of said village as they shall deem proper to be lighted at such times as in their judgment the wants and interest (interests) of the village may require;

Erect lamps, etc.

Twentieth, To establish lines upon which buildings may be erected, and beyond which such building (buildings) shall not extend;

Establish building lines.

Twenty-first, To prevent the erection and provide for the removal of all building (buildings) deemed unsafe;

Remove unsafe buildings

Twenty-second, To regulate the placing and preservation of hitching posts and shade trees;

Regulate and preserve trees, etc.

Twenty-third, To provide burial places and regulate the burial

Regulate the burial of the dead, etc.

of the dead in said village, and to protect and preserve the monuments, tomb-stones, trees and shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village, and to appoint a proper person to have the charge and oversight of the same;

Provide for the appointment of village attorney.
Determine route, etc., of railroads.

Twenty-fourth, To provide for the appointment of a village attorney, and to prescribe his duties and compensation;

Twenty-fifth, To determine and designate the route and grade of any railroad to be laid in said village, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within said village;

Prohibit bathing, etc.

Twenty-sixth, To prohibit and regulate bathing in any of the public waters within the limits of said village, and to provide for cleansing Shiawassee river of drift-wood and other obstructions within the limits of said village.

Power to make by-laws, etc.

SEC. 7. And for the purposes enumerated or any of them, or for executing any of the powers conferred upon said board of trustees by this act, the board of trustees may make, establish and publish, modify, amend and repeal by-laws, rules, regulations and ordinances, and shall have power to prescribe such penalties or fines as they may deem proper for the violation of the same, not exceeding one hundred dollars and costs of prosecution, or imprisonment in the county jail not to exceed ninety days, or both in the discretion of the court, for any one offense, except as herein otherwise provided, and to enforce the same against any person guilty of such violation in any court having jurisdiction of such cases; but all such by-laws, rules, regulations and ordinances shall be published for at least two successive weeks before the same shall be considered as of force or binding upon the inhabitants of said village: *Provided*, Any person arrested thereunder shall be entitled to trial by jury as in other criminal cases, as well as the right of appeal to the circuit and supreme courts.

Prescribe penalties or fines.

Limit of fines.

Laws to be published.

Proviso as to right of appeal.

Board of trustees empowered to revise, etc., by-laws, etc.

SEC. 8. The board of trustees of the village of Fenton are hereby empowered to compile, revise and amend the by-laws and ordinances now in force in said village of Fenton; and said by-laws and ordinances when so compiled, revised and amended shall be published in pamphlet form, with an index, to the number of five hundred copies, and said copies of said revised and amended by-laws and ordinances when so printed shall be left with the clerk of said village for gratuitous distribution to any resident of said village, and the publication of said compiled, revised and amended by-laws and ordinances of said village shall be deemed a legal publication of the same, in lieu of the publication required by the charter of said village: *Provided*, That all the by-laws and ordinances which shall be passed by said board of trustees, after said by-laws and ordinances shall have been compiled, revised and amended and published in pamphlet form, shall be published as required by the charter of said village.

Publication deemed legal.

Proviso.

ARTICLE XVI.

SEC. 3. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, with the amount due and unpaid thereon, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of the taxes, or in the renewal of the time thereof by the said assessor, as provided for in section three of article fifteen of this act, to the county treasurer of Genesee county, and all taxes levied upon real estate and all assessments made thereon under or by virtue of the provisions of this act shall be and remain a lien upon said real estate until the same is paid. Said lands so returned shall be sold by the county treasurer in the same manner and within the same time as provided by statute in cases of lands returned with taxes for State, county and township purposes unpaid.

Return of unpaid taxes.

Taxes levied a lien.

Sale of lands for unpaid taxes.

ARTICLE XVII.

SEC. 4. On the last secular day next preceding the day for holding any regular or special election of said village after the year one thousand eight hundred and sixty-nine, the said board of registration shall be in session at the office of the clerk in said village for the purpose of revising and completing the list of qualified voters entitled to vote at the election then next ensuing, during which session it shall be the right of each and every person then actually residing in said village, and who at the then next approaching election may be a qualified elector, and whose name is not already registered, to have his name entered in the register, which shall be done by the clerk of said village, and after the close of said session no name shall be registered until after the close of the polls at the election then next ensuing: *Provided*, That if any person or persons entitled to vote who shall not have been registered as aforesaid shall, when proved to the satisfaction of said board that he was absent from the township of Fenton on necessary business on registration day, or was unable, by reason of sickness of himself or family, to attend on such [said] registration day, it shall be lawful for said board to have the name of any such person placed on the register on the day of said election, and such person or persons shall be entitled to vote the same as though previously registered.

Duties of board of registration.

Right of electors.

Proviso as to unregistered voters.

ARTICLE XXVI.

SECTION 1. The board of trustees may borrow money at a rate of interest not exceeding seven per cent per annum, and issue the bonds of the village therefor, signed by the president and clerk, for the purpose of erecting a station-house or engine-house, purchasing a fire-engine, putting in water-works, or any other necessary improvements in said village, but no money shall be borrowed for a longer period than twenty years, nor shall the sum of

Board of trustees may borrow money, etc.

For what purposes.

Limit of time and amount.

Provide as to
vote of electors.

Notice of
election.

Manner of
voting.

May borrow
money for con-
tingent ex-
penses.

Provide as to
amount to be
assessed in any
one year.

Sections
repealed.

any and all indebtedness for money thus borrowed by the board of trustees ever exceed the sum of twenty-five thousand dollars at any one time, nor shall said board of trustees borrow money for the purpose hereinbefore specified, unless the question of making such loan shall be first submitted to and authorized by a two-thirds vote of the electors of said village at some annual or special election for that purpose, held in the same manner that other special elections are called under this act; but before any such loan of money shall be authorized by a two-thirds vote of the electors of said village, written or printed notices shall be posted by the clerk, in at least five of the most public places in said village, for a period of not less than ten days next preceding such election, specifying the object or objects for which money is proposed to be borrowed. The board of trustees may also by ordinance or resolution, provide the manner of voting on the question of borrowing money. The board of trustees may also by resolution or ordinance authorize the president of said village to borrow any sum of money not exceeding the sum of one thousand dollars, to be used in defraying the contingent expenses of said village, and may give promissory notes of said village, signed by the president and clerk, at a rate of interest not exceeding seven per cent per annum: *Provided*, That no more than one per cent on the assessed valuation of the taxable property of said village shall ever be levied or collected in any one year as a special tax for the purpose of paying any such bonds or liquidating any such indebtedness or for any and all purposes whatever.

SEC. 2. That sections four, five, six, seven and eight of article sixteen of act number three hundred and forty-eight of the session laws of eighteen hundred and sixty-nine, being an act entitled "An act to re-incorporate the village of Fenton," be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved April 26, 1887.

[No. 453.]

AN ACT to create a fund for and to provide for the payment of certain damages, for sheep and lambs killed or wounded by dogs within the city of Jackson and the townships of Blackman and Summit in the county of Jackson, State of Michigan.

Certain moneys
to be paid to
county treas-
urer.

SECTION 1. *The People of the State of Michigan enact*, That all moneys collected within the townships of Blackman and Summit and the city of Jackson, Jackson county, Michigan, under and by virtue of act one hundred and ninety-eight of public acts of eighteen hundred and seventy-seven, approved May twenty-third, eighteen hundred and seventy-seven, shall, less his fees for collecting the same, be paid by the treasurer of said townships and the treasurer of said city respectively, to the

treasurer of the county of Jackson within the time county and State taxes are required to be paid over to him, and the moneys so paid to and received by said county treasurer, shall be kept by him as a special fund for the payment of any loss or losses that any person may suffer from the killing or wounding of any sheep or lambs by any dog or dogs within the city of Jackson or said townships of Blackman and Summit.

To be kept as a special fund to pay certain losses.

SEC. 2. At the annual meeting of the township boards of said townships in each year and at a meeting of the common council of said city of Jackson in April in each year, the said board or the said common council, as the case may be, shall examine all certificates of damages made under the provisions of said act one hundred and ninety-eight as amended, and filed with the township clerk or recorder as therein provided, during the preceding year, and if satisfied that in any case or cases the certified damages are excessive, they may reduce the same to such amount as they may consider just, and may order the payment of all such losses as they may consider just out of the fund provided for in section one of this act. The clerk of said township shall draw an order upon the county treasurer for the amount of the loss so ordered paid by the township board, which order shall be countersigned by the supervisor, and deliver the same to the person holding said certificates. And the recorder of said city shall draw an order upon the county treasurer for the amount of the loss so ordered paid by the common council, which order shall be countersigned by the mayor, and deliver the same to the holder of said certificate or certificates.

Examination of certificates of damages.

Orders for payment of losses, manner of issuing.

SEC. 3. The said county treasurer shall, after the first day of May in each year, pay all orders drawn upon him payable from said fund that may have been filed with him during the month of April prior thereto, provided there is money enough in said fund to pay all of said orders in full. If there is not enough money in said fund to pay all of said orders in full the same shall be paid *pro rata*.

Payment of orders.

SEC. 4. If any money remains in said fund after the payment of the orders aforesaid and the same shall exceed the sum of three hundred dollars, the sum in excess of three hundred dollars shall be apportioned by said county treasurer among the said townships and said city, in proportion to the amount contributed to said fund during the preceding year, and the amount so apportioned to said townships or city shall be respectively apportioned among the several school districts of such townships and said city, in proportion to the number of children therein of school age.

Disposition of surplus money.

This act is ordered to take immediate effect.

Approved May 5, 1887.

[No. 454.]

AN ACT to create a fund for and to provide for the payment of certain damages, for sheep and lambs killed or wounded by dogs within the city of Lansing and the township of Lansing, in the county of Ingham, State of Michigan.

Certain moneys
to be paid to
county treas-
urer.

To be kept as a
special fund to
pay certain
losses.

Examination of
certificates of
damages.

Orders for pay-
ment of losses,
manner of
issuing.

Payment of
orders.

Proviso.

Disposition of
surplus money.

SECTION 1. *The People of the State of Michigan enact*, That all moneys collected within the city of Lansing and the township of Lansing, Ingham county, Michigan, under and by virtue of act one hundred and ninety-eight, of public acts of eighteen hundred and seventy-seven, approved May twenty-three, eighteen hundred and seventy-seven, shall, less his fees for collecting the same, be paid by the treasurer of said township and the treasurer of said city, respectively, to the treasurer of the county of Ingham, within the time county and State taxes are required to be paid over to him, and the moneys so paid to and received by said county treasurer, shall be kept by him as a special fund for the payment of any loss or losses that any person may suffer from the killing or wounding of any sheep or lambs by any dog or dogs within the city of Lansing or said township of Lansing.

SEC. 2. At the annual meeting of the township board of said township in each year, and at a meeting of the common council of said city of Lansing in April in each year, the said board or the said common council, as the case may be, shall examine all certificates of damages made under the provisions of said act one hundred and ninety-eight as amended, and filed with the township clerk, or city clerk, as therein provided, during the preceding year, and if satisfied that in any case or cases the certified damages are excessive, they may reduce the same to such amount as they may consider just, and may order the payment of all such losses as they may consider just out of the fund provided for in section one of this act. The clerk of said township shall draw an order upon the county treasurer for the amount of the loss so ordered paid by the township board, which order shall be countersigned by the supervisor, and deliver the same to the person holding said certificates. And the clerk of said city shall draw an order upon the county treasurer for the amount of the loss so ordered paid by the common council, which order shall be countersigned by the mayor, and deliver the same to the holder of said certificate or certificates.

SEC. 3. The said county treasurer shall, after the first day of May in each year, pay all orders drawn upon him payable from said fund that may have been filed with him during the month of April prior thereto: *Provided*, There is money enough in said fund to pay all of said orders in full. If there is not enough money in said fund to pay all of said orders in full, the same shall be paid *pro rata*.

SEC. 4. If any money remains in said fund after the payment of the orders aforesaid, and the same shall exceed the sum of

two hundred dollars, the sum in excess of two hundred dollars shall be apportioned by said county treasurer to the said township and said city in proportion to the amount contributed to said fund during the preceding year, and the amount so apportioned to said township or city shall be respectively apportioned among the several school districts of such township and said city, in proportion to the number of children therein of school age.

This act is ordered to take immediate effect.

Approved May 5, 1887.

[No. 455.]

AN ACT to change the name of Arthur W. Gleason to Arthur W. McCarty and make him the heir-at-law of William McCarty and Betsy McCarty.

SECTION 1. *The People of the State of Michigan enact*, That the name of Arthur W. Gleason be and it is hereby changed to Arthur W. McCarty, and that he be and is hereby declared to be the heir-at-law of William McCarty and Betsy McCarty of Ovid, Clinton county, Michigan. Name changed, etc.

This act is ordered to take immediate effect.

Approved May 6, 1887.

[No. 456.]

AN ACT to amend section four of chapter twelve of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, and being act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That section four of chapter twelve of an act entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, and being act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, be amended so as to read as follows: Sections amended.

SEC. 4. The recorder shall hold office for the term of six years from and after the second Tuesday of January succeeding his election and shall be the judge of the recorder's court of said city. Either of the judges of the circuit court for the county of Wayne may act as judge of said recorder's court when requested to do so by the recorder, or in case of the absence, sickness or incapacity of said recorder, or when there is a vacancy in the office of recorder. Recorder, term of office of. Who may act as judge of recorder's court.

This act is ordered to take immediate effect.

Approved May 6, 1887.

[No. 457.]

AN ACT to amend section one of chapter nine of act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter nine of act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Issuing of public sewer bonds.

SEC. 1. The common council of the city of Detroit shall have power to provide money for the purpose of constructing sewers at such localities as the board of public works may deem proper and recommend, upon the faith and credit of said city, and upon the best terms that can be made, in amount not exceeding three hundred thousand dollars, and to issue the bonds of said city to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest; but said bonds shall not be negotiated at less than their par value; said bonds shall be denominated "public sewer bonds of the city of Detroit;" shall be regularly dated and numbered in the order of their issue; one-fourth of the amount of such bonds as shall be issued shall be of the sum of one hundred dollars each, and the remainder shall be for sums of not less than five hundred dollars each; shall bear interest not exceeding five per cent per annum; shall be payable in not less than five or exceeding fifty years from date; shall be issued under the seal of the city, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of said bonds, showing the class of indebtedness to which they belong, the number, date and amount of each bond, its rate of interest, when and where the same is payable, and the person to whom it was issued. The proceeds of said bonds shall be paid to the city treasurer and be credited to the public sewer fund, and applied exclusively to the purposes for which said fund is constituted as above.

How denominated, etc.

Controller to keep record of bonds.

Proceeds of.

This act is ordered to take immediate effect.
Approved May 6, 1887.

[No. 458.]

AN ACT to amend section one of act two hundred and twenty-two, session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Pierson," approved March

twenty-seventh, eighteen hundred and seventy-three, as amended by act number three hundred and twenty-two, session laws of eighteen hundred and seventy-nine, approved March twenty-ninth, eighteen hundred and seventy-nine.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and twenty-two, session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the village of Pierson," approved March twenty-seventh, eighteen hundred and seventy-three, as amended by act three hundred and twenty-two, session laws of eighteen hundred and seventy-nine, approved March twenty-ninth, eighteen hundred and seventy-nine, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That the following described territory situated in the township of Pierson, county of Montcalm, and State of Michigan, and distinguished and designated on the plat in the land office of the district as the northwest quarter of section twenty-seven, town eleven north, of range ten west, be and the same is hereby constituted a village corporate to be known by the name of the village of Pierson: *Provided*, That the streets or highways on the south and west boundary lines of said village shall be maintained by the township of Pierson, and the streets or highways on the north and east boundary lines of said village shall be maintained by said [the] village of Pierson: *Provided further*, That the village of Pierson may build and maintain suitable sidewalks on the streets on said south and west boundary lines of said village without any expense to the said township of Pierson.

This act is ordered to take immediate effect.

Approved May 6, 1887.

[No. 459.]

AN ACT to authorize Bay county to borrow money to build and repair bridges across the Saginaw river.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Bay county may borrow money, not exceeding seventy thousand dollars, on the faith and credit of Bay county, and may issue bonds therefor, payable at a time not exceeding twenty years from the date thereof, at a rate of interest not exceeding six per cent per annum, the money arising therefrom to be expended in building new bridges across the Saginaw river, commencing at points within the city limits of Bay City, as hereinafter specified, and in repairing and rebuilding other bridges that are now owned by said county of Bay. The question of making any loan under this act, shall be submitted to a vote of the electors of said county, at such time as the said board of supervisors may direct, and under such regulations as

Section amended.

Territory incorporated.

Proviso as to maintenance of certain streets, etc.

Board of supervisors of Bay county may borrow money and issue bonds.

How to be expended.

Question of making loan to be submitted to vote of electors.

Provide as to manner of submitting proposition.

Further provide as to construction of new bridges, etc.

Bridges to remain free, etc.

said board of supervisors may prescribe and as is now provided by law. And no bonds shall be issued under this act unless a majority of the voters voting at such election shall vote in favor of the same: *Provided*, That the proposition for the raising of money for the construction and repairs for such bridges shall not be separately submitted at any such election to the said electors, but that the whole sum of seventy thousand dollars shall be voted for at any such election, so submitted by the board of supervisors: *Provided further*, That thirty thousand dollars of said seventy thousand dollars shall be used in the construction of a new bridge to be built across the Saginaw river from the foot of Belinda street in Bay City to some suitable point on the opposite shore of said river, in the first ward of West Bay City; and that thirty thousand dollars of said seventy thousand dollars shall be used in the construction of a new bridge from the foot of South Center street, in the seventh ward of Bay City, to a point on the west shore of said Saginaw river, at or near the present south line of the city limits of West Bay City; and that ten thousand dollars of said seventy thousand dollars shall be used in repairing and rebuilding the bridges now owned by Bay county and known as the Third street bridge and the Twenty-third street bridge.

SEC. 2. The bridges so constructed and repaired shall be and remain free bridges, and shall be managed, controlled and kept in repair by the county of Bay, under the direction of the board of supervisors thereof, and such officers or agents as may be designated by the said board of supervisors for that purpose.

This act is ordered to take immediate effect.

Approved May 6, 1887.

[No. 460.]

• AN ACT to authorize the city of Kalamazoo to purchase grounds, erect buildings thereon and maintain a city hospital.

Council to declare that it is for the public good that a hospital be established.

Question of establishment, to whom submitted.

Ballots.

Establishment of hospital.

SECTION 1. *The People of the State of Michigan enact*, That whenever the city council shall deem it for the public good that a city hospital should be established and maintained, they shall so declare by resolution, and in the event of the passage of such a resolution by two-thirds of all the members elect of the council, the question of the establishment and maintenance of such hospital shall be submitted to the vote of the electors of said city at the next city election to be held after the passage of such resolution. The ballots in favor of such hospital shall read as follows: "Hospital—Yes." And the ballots against such hospital shall read as follows: "Hospital—No." If the majority of the ballots so cast shall be in favor of such hospital, the city council shall proceed to establish and maintain a city hospital, and to that end they may, in the name of the city, acquire or purchase and hold

such lands within the corporate limits of the city and erect thereon such hospital building as in the opinion of the council shall be necessary, and also provide for the furnishing, management and maintenance of the same for general hospital purposes. The land required, or any portion thereof, may be appropriated as provided for in chapter twenty-three of the city charter, in case such procedure shall be found necessary. But if a majority of said ballots so cast shall be against the hospital, then the council shall take no further steps in regard thereto, except to submit the question again to the vote of the electors of the city, in the manner above provided, at any future city election.

How land may be appropriated.

When question of establishment to be again submitted to vote of electors.

SEC. 2. Whenever the city council shall decide, in accordance with the provisions of the preceding section, to construct and maintain a hospital, there shall be created a board of hospital commissioners for the city of Kalamazoo, which shall consist of five resident electors, who shall be appointed by the council on the nomination of the mayor. The members first comprising such board shall meet within ten days from the date of their appointment and proceed to determine by lot their terms of office respectively, one to serve one year, one for two years, one for three years, one for four years, and one for five years. The result shall be at once reported to the council to be recorded in its proceedings. Not more than three members of said board of hospital commissioners shall belong to the same political party.

Board of hospital commissioners.

First meeting of board, terms of office.

Politics of board.

SEC. 3. Each year thereafter, at the first regular meeting of the council held in January, or as soon thereafter as possible, said council, on the nomination of the mayor, shall elect or appoint one hospital commissioner, to serve for the period of five years and until his successor is appointed and qualified. Vacancies occurring in the board of hospital commissioners by resignation, removal from the city, failing to qualify, or otherwise, shall be filled for the unexpired term, by appointment of the council on the nomination of the mayor.

Subsequent appointments.

Vacancies in board.

SEC. 4. Said commissioners shall take the oath of office required for city officers within ten days from the date of their appointment, and shall receive no compensation for their services. Any one of said commissioners shall be considered as vacating his office in the event of his accepting or holding any political office, and any commissioner who shall during his term of office be publicly nominated for any office elective by the people, and who shall not decline such nomination within ten days succeeding notice or knowledge of the same, shall be deemed to have vacated his office as hospital commissioner.

Oath of office.

When considered as vacating office.

SEC. 5. Said commissioners shall elect from their own number a president and vice president, and shall appoint a secretary, superintendent, matron, and such medical and other officers and subordinates as they may from time to time deem necessary, and fix the wages of those receiving compensation for their services. The persons thus appointed shall hold their respective positions during the pleasure of the board, and shall give such security for the faithful performance of their duties as the board may require.

Officers of the board.

Wages of appointees, etc.

Board to have possession and management of hospital, etc.

May establish by-laws, etc.

Board to submit estimate of money to be raised for maintaining hospital, etc.

What estimate shall contain.

How tax levied and collected.

Credited to hospital fund.

Certain other moneys to be credited to hospital fund.

How moneys paid out of hospital fund.

Annual report of board of hospital commissioners.

Other reports, etc.

Proviso as to judgments.

SEC. 6. Said commissioners shall have the possession, control and sole management of the hospital herein provided for, of the grounds attached thereto, and of all its properties and concerns, and shall take charge of all its interests and see that its designs be carried into effect. They are directed and empowered to establish such by-laws as they may deem necessary and expedient for regulating the duties of officers, nurses and subordinates, for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner the business of the hospital, and regulations for its internal government, discipline and management.

SEC. 7. Said commissioners shall annually prepare and submit to the council, at the first regular meeting in May, an estimate of the amount of money that should be raised by taxation during the ensuing fiscal year for the maintenance, improvement and support of the hospital, which estimate shall be in detail, specifying the objects of expenditure, the sums desired for each, and the reasons for the same, and it shall also contain an estimate of the probable income and revenue that will be derived from the hospital during the year. The sum of such estimates, or so much thereof as shall be approved by the council, shall be placed upon the general tax-roll of the city, and shall be assessed, levied and collected the same as other city taxes. The money, when collected, shall be paid into the city treasury and credited to the "hospital fund."

SEC. 8. All moneys received by the commissioners for the board and care of patients, or for general hospital purposes, shall at once be paid into the city treasury and shall be credited to the hospital fund.

SEC. 9. Said commissioners shall file with the council quarterly, itemized estimates of the sum required for hospital expenditures during the ensuing three months, whereupon a warrant shall be drawn upon the hospital fund to the order of the president of the board of commissioners, signed by the clerk and countersigned by the mayor. The city treasurer shall place the amount of said warrants to the credit of the hospital in a special account, and shall pay out the same for hospital purposes only, on orders signed by the president of the board of commissioners, specifying the object of each payment, item by item.

SEC. 10. Said commissioners shall make an annual report to the city council of all their doings up to and including the thirty-first day of March, showing the condition of the affairs of the hospital and of all matters under their control, with a full statement of all expenditures made by them. The council can require a report from said commissioners at any time, and the records, books, papers and accounts of the commissioners shall at all times be subject to the inspection of the mayor or of a committee appointed by the council for that purpose: *Provided*, That any judgment that shall be recorded against the city under this section shall be paid out of the hospital fund only, and any judg-

ment recovered in favor of the city under this section, when collected, shall be placed to the credit of said hospital fund.

This act is ordered to take immediate effect.

Approved May 7, 1887.

[No. 461.]

AN ACT to amend sections two and four of article six of act number two hundred and ninety of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of St. Johns," and the acts amendatory thereof. Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections two and four of article six of act number two hundred and ninety of the session laws of eighteen hundred and sixty-seven, entitled "An act to incorporate the village of St. Johns," and the acts amendatory thereof, be and the same is hereby amended so as to read as follows:

ARTICLE VI.

SEC. 2. The board of trustees shall have full power within said village:

First, To declare and define the powers and duties of the officers of said village whose powers and duties are not specifically prescribed by this act; Board of trustees to have power to; Define powers of officers.

Second, To determine the amount and sufficiency of the sureties to [in] the official bonds of the treasurer, marshal, and such other officers as they shall deem proper to require security from in the discharge of official duty; Determine amount, etc., of bonds.

Third, To provide for the care, custody and preservation of the public property of said village; Provide for care of property.

Fourth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in them; Oversee officers

Fifth, To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department and define the duties of firemen, and prescribe penalties for their delinquencies; Purchase fire apparatus, etc.

Sixth, To establish fire limits, within which no wooden building shall be built, enlarged or placed; to regulate party walls, chimneys, flues and putting up stoves and stove-pipes, and the disposition of ashes; to regulate the construction of smith shops, planing establishments, bakeries, and other buildings considered extra-hazardous; to guard against fires, and to compel the owners of lots or owners or occupants of buildings in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same; Establish fire limits, etc. Regulate construction of buildings, etc.

Seventh, To establish and maintain a competent police; to pre-

Establish
police, etc.
Prevent vice,
etc.

Punish keepers
of gaming
tables, etc.

Apprehend and
punish vagrants,
etc.

Prevent sale of
liquors, etc.

License
theatres, etc.

Prevent and
punish
inordinate
driving, etc.

Remove
nuisances, etc.

Prevent
incumbering
streets, etc.

Regulate
storage of
powder, etc.

Prevent use of
firearms, etc.

Regulate
markets.

Establish
pounds, etc.

Prevent the
running at
large of dogs.

Provide for
lighting streets.

Establish
building lines.

serve peace and good order; to prevent vice and immorality; to suppress, restrain and close all disorderly houses of ill-fame, and to suppress, restrain and forbid gambling tables, or any other device or instrument of gaming, and to punish the keepers of the same when so kept in violation of any by-law, rule, regulation or ordinance of said village; to cause vagrants, idlers, disorderly persons, mendicants, street beggars, common prostitutes, impostors and drunkards to be apprehended and punished;

Eighth, To prevent the sale or giving away of spirituous or intoxicating liquors;

Ninth, To license and regulate theatres, shows, traveling concerts, auctioneers, auction sales, gift enterprises, hawkers, hucksters, peddlers and pawnbrokers, or to prohibit them from soliciting patronage of the community within the limits of said village;

Tenth, To prevent and punish inordinate driving or riding in the streets, and to provide penalties for leaving teams in the streets unhitched;

Eleventh, To prevent and remove nuisances and to punish persons for committing the same;

Twelfth, To prevent and compel the removal of all incumbrances, encroachments and obstructions upon the streets, walks, lanes, alleys and public grounds, and to compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt and every incumbrance and obstruction, and to prevent the deposit of ashes, filth and garbage in the streets and public grounds of said village;

Thirteenth, To regulate the storage of powder, naphtha, nitro-glycerine, combustible oils, lumber and other combustible materials [material] and explosives;

Fourteenth, To prevent the use of fire-arms, slung-shots, metal knuckles and other weapons;

Fifteenth, To regulate markets for the sale of poultry, meats, vegetables, fruit, fish, hay, wood, lime and lumber;

Sixteenth, To restrain horses, cattle, sheep, swine, mules and other animals, geese and other fowls, from going at large or grazing in the streets or public grounds of said village, under such penalty as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals running at large or grazing in the streets and public grounds in violation of any by-law, rule, regulation or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

Seventeenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

Eighteenth, To light or provide for the lighting of the streets and public grounds of said village, and to grant privileges and contract for lighting the same, in their discretion;

Nineteenth, To establish lines upon which buildings may be erected and beyond which such buildings shall not extend;

Twentieth, To prevent the erection and provide for the removal of all buildings deemed unsafe;

Prevent construction of dangerous buildings, etc. Regulate placing of posts, etc.

Twenty-first, To regulate the placing and provide for the preservation of hitching posts, lamp posts and shade trees;

Establish water works, etc.

Twenty-second, To establish, maintain and operate water-works and provide public wells, cisterns and pumps; to grant privileges to and contract with water-works' companies to supply the said village with water and to regulate the supply and use of water;

Twenty-third, To establish and re-form the grade of the streets, alleys, lanes and sidewalks of said village, and to provide for grading the same and laying and repairing sidewalks and crosswalks.

Establish street grades, etc.

[ARTICLE VI.]

SEC. 4. The board of trustees shall, upon the petition in writing of a majority of the owners of lots and parcels of land adjacent to the line of any proposed work, as hereinafter designated, praying for the same, and may, upon the petition in writing of the owner or owners of the lands adjacent to the line of any proposed work, as hereinafter designated, praying for the same, order and superintend and cause to be done, by contract or otherwise, the grading, graveling or paving, in whole or in part, of any street, alley or lane in said village, and the construction of sewers and the paving of gutters along the line of the same, and assess the costs and expenses thereof upon the lots and parcels of land lying along and adjacent to said work, in the proportion that the frontage of each lot or parcel of land shall bear to the whole frontage of lands upon which the cost and expense of said work is to be assessed. And the said board shall also have full power, whenever they deem it necessary that any sidewalk be built or repaired, to order the same to be built or repaired, as the case may be, and to specify the width, character and material of such work [walk] and the time within which the same shall be built or repaired, and shall give notice to build or repair the same to the owner, occupant or agent of the lot or parcel of land in front of and adjacent to which such sidewalk is required to be built or repaired, and it shall be the duty of such owner, occupant or agent to build or repair the same. And if the said owner, occupant or agent shall neglect to build or repair the same within the time specified in said notice, it shall be the duty of the board of trustees to at once build or repair said walk, or cause the same to be done, by contract or otherwise; and in such case the expense and cost thereof shall be assessed upon such lot or parcel of land and shall be a lien thereon, and shall be collected in the manner prescribed in this act for the collection of special taxes. And the owner of any lot or parcel of land so neglecting to build or repair such sidewalk, shall be liable to the village for all damages which shall be incurred against said village for any accident or injury occurring or received by reason of such neglect.

Grading and paving streets, constructing sewers, etc.

Costs, how assessed.

Building and repairing sidewalks.

In case owner, etc., neglects to build, etc.

Expense, how assessed.

Owner of lots neglecting to build, etc., liable for damage.

This act is ordered to take immediate effect.

Approved May 7, 1887.

[No. 462.]

AN ACT to amend sections one and five of act number two hundred and eighty of the local acts of eighteen hundred and seventy-nine, entitled "An act to incorporate the village of Petoskey," approved February twenty-seven, eighteen hundred and seventy-nine, and to add a new section thereto to stand as section eight.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections one and five of act number two hundred and eighty of the local acts of eighteen hundred and seventy-nine, entitled "An act to incorporate the village of Petoskey," approved February twenty-seven, eighteen hundred and seventy-nine, be and the same is hereby amended so as to read as follows, and to add a new section thereto to stand as section eight:

Section added.

Territory
incorporated.

SECTION 1. That the following lands and territory in the township of Bear Creek and county of Emmet, described as follows, to wit: Commencing at the northwest corner of section six, in town thirty-four north, of range five west, running thence south on the west line to the southwest corner of the northwest quarter of the southwest quarter of said section, thence east on the eighth line to the northwest corner of the southeast quarter of said southwest quarter, thence south on the eighth line to the south section line of said section, thence east on said section line to the northwest corner of the northeast quarter of the northeast quarter of section seven in said township, thence south on the eighth line to the southwest corner of said northeast quarter of the northeast quarter of said section, thence east along the eighth line continued to the southeast corner of the northwest quarter of the northwest quarter of section eight in said township, thence north on the eighth line to the north section line of said section, thence east along said section line to the intersection of the east, north and south eighth line of section five of said township, thence north on said eighth line to the north line of said section five, thence west to the southeast corner of the southwest quarter of the southeast quarter of section thirty-two in town thirty-five north, of range five west, thence north on the eighth line to a point within twenty chains and thirty-four links [20.34 chs.] of where said line reaches Little Traverse bay, according to the government surveys, thence running south eighty-six degrees and fifty minutes west, two and thirty-seven hundredths chains, thence north three degrees and ten minutes west, eleven and ninety-three hundredths chains, thence north seventy-one degrees and forty-five minutes west, six and seventy-six hundredths chains, more or less, to the shore of said Little Traverse bay, thence following low water mark along the shore of said bay southwesterly to the place of beginning, be and the same is hereby constituted a village corporate by the name of the village of Petoskey: *And it is further provided, That the corporate limits shall extend out into and upon the waters of said Little Traverse bay the entire length of*

Proviso as to
extent into bay.

the water frontage of said village thereon, for all proper police and municipal purposes, far enough (and not exceeding one-half mile from said low water mark) to embrace all docks, wharves, boat-houses or other structures, and boats and vessels at rest or anchor within such limits.

SEC. 5. That said village of Petoskey shall, in all things not herein otherwise provided, be governed by and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," being act number sixty-two of the public acts of eighteen hundred seventy-five and all acts amendatory thereof and supplementary thereto.

Governed by
general law.

SEC. 8. The council shall at some meeting after April first each year, and prior to the time designated for review of the general assessment roll of said village, appoint two suitable tax-paying electors of said village, who, with the assessor, shall constitute a board of review of the assessments, and shall perform all the duties of the board of review provided for in section nine, of chapter nine, of act number sixty-two of the public acts of eighteen hundred seventy-five, being compiler's section twenty-nine hundred thirty-one of Howell's Annotated Statutes, and of the following sections of said act relating to boards of review.

Board of
review, ap-
pointment and
duties of.

This act is ordered to take immediate effect.

Approved May 7, 1887.

[No. 463.]

AN ACT to provide for the election of collectors of taxes for the several wards of the city of Grand Rapids, and to prescribe the duties of such collectors.

SECTION 1. *The People of the State of Michigan enact*, That at each annual city election in the city of Grand Rapids in the county of Kent and State of Michigan, in addition to all other ward officers already authorized by law, there shall be elected in each ward of said city, by the qualified electors thereof, a collector of taxes, who shall hold his office for the term of one year from the first Monday in May following his election, which said election shall be in the same manner as other ward officers of said city, and the powers and duties of said collector shall be as prescribed by the charter of said city for the collectors of the several wards thereof.

Ward collect-
ors of taxes to
be elected.

Term of office.

Manner of
election.

Powers and
duties of
collector.

This act is ordered to take immediate effect.

Approved May 11, 1887.

[No. 464.]

AN ACT to prevent taking, catching or killing any fish in Kava-naugh Lake in the township of Sylvan in the county of Wash-tenaw, with spear or by shooting them with fire-arms or by the use of dynamite explosion.

Unlawful to kill
fish in certain
ways.

SECTION 1. *The People of the State of Michigan enact, That* it shall not be lawful to take, catch or kill any fish in Kavanagh Lake in the township of Sylvan in the county of Washtenaw, with spear or by shooting them with fire-arms or by dynamite explosion.

Punishment for
violating.

SEC. 2. Any person violating section one of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be liable to a fine not to exceed fifty dollars and costs of prosecution, or by imprisonment in the county jail not to exceed thirty days, or both such fine and imprisonment in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 11, 1887.

[No. 465.]

AN ACT to detach certain territory from school districts number one and number two of the township of Echo, county of Antrim, and to organize and incorporate the same into a school district to be known and designated as school district number five in the said township of Echo.

Territory
detached.

SECTION 1. *The People of the State of Michigan enact, That* the following described territory, to-wit: The east half of section twenty, section twenty-one, section twenty-eight and the east half of section thirty-three, town thirty-one north, range seven west, be detached from school district number one of the township of Echo, and that sections twenty-two, twenty-seven and thirty-four, town thirty-one north, range seven west, be detached from school district number two of said township, and that the whole of the territory so detached, as aforesaid, be and the same is hereby made and incorporated into a school district, with all the powers, privileges and liabilities of school districts incorporated under the general laws of the State, to be known and designated as school district number five of the said township of Echo in the county of Antrim and State of Michigan.

Formed into a
new district.

This act is ordered to take immediate effect.

Approved May 11, 1887.

[No. 466.]

AN ACT to amend sections four, eighty-seven and two hundred and fifteen of act number two hundred and fifteen, session laws of eighteen hundred and fifty-nine, entitled "An act to incorporate the city of Owosso," approved February fifteen, eighteen hundred and fifty-nine, and all subsequent amendments of said sections.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact, That* sections four, eighty-seven and two hundred and fifteen of act

number two hundred and fifteen, session laws of eighteen hundred fifty-nine, entitled "An act to incorporate the city of Owosso," approved February fifteenth, eighteen hundred fifty-nine, and all subsequent amendments of said sections be and the same are hereby amended so as to read as follows:

SEC. 4. The officers of said city to be nominated by the mayor to the common council and confirmed by a majority of all the aldermen elect of said city shall be one auditor, one marshal and a board of water commissioners to consist of three members, and watchmen not to exceed one for each ward, of whom one shall be designated as captain of the watch, one health physician, and so many fire wardens, common criers, poundmasters, inspectors of firewood, weighmasters and auctioneers as the common council shall from time to time direct, and such other officers as may be necessary to carry into effect the powers granted by this act, whose powers and duties, other than those defined in this act, shall be such as shall be prescribed by ordinance or resolution of the common council: *Provided*, That the mayor may nominate to the common council one street commissioner whenever the common council shall by resolution, by a majority of all the aldermen elect, so determine: *Provided further*, That until such street commissioners shall be so nominated and confirmed the city marshal shall perform the duties of the office of street commissioner.

Appointed officers.
Manner of appointment, terms of office, etc.

Proviso as to street commissioner.

Further proviso.

SEC. 87. The common council shall annually determine the salary or compensation to be paid to the several officers of said city within the limitations hereinafter prescribed, and which shall be as follows, to-wit: To the mayor a sum not to exceed fifty dollars per annum; to the city clerk, in addition to his fees and perquisites prescribed by law, a sum not exceeding one hundred and fifty dollars per annum; to the city treasurer one dollar per annum; to the city marshal, as superintendent of streets and highways, a sum not exceeding two dollars per day, and at that rate for any part of a day, for every day by him actually spent in the performance of his duties; to each alderman of said city (as such) one dollar per annum, and for their services on the standing committees of said common council a sum not exceeding two dollars per day and at that rate for any part of a day for every day by them actually spent in the performance of such duties; to the city auditor a sum not exceeding twenty-five dollars per annum; and they may also establish fees or salary to be paid to all other officers appointed by them whose fees are not prescribed by law and whose compensation for services require to be paid from the city treasury: *Provided*, That the above mentioned standing committees of the common council shall be a committee on streets, alleys and sidewalks, a committee on finance, a committee on police and fire department and a general business committee of three members each: *Provided further*, That the amount of compensation paid to any member of said committees (as such) shall not exceed during any one year to members of the committee on streets, alleys and sidewalks, fifty dollars; of the committee on finance, twenty-five dollars; to members of the committee on police and fire depart-

Compensation of officers.

Proviso as to committees.

Further proviso.

Further proviso.	ment, twenty dollars; and to the general business committee, ten dollars: <i>Provided further</i> , No motion, resolution or ordinance involving the expenditure of money shall pass the common council unless a majority of all the aldermen elect shall vote therefor.
Power of council to raise money for certain purposes.	SEC. 215. The common council of the said city shall have power and are hereby authorized to borrow money or levy a tax or taxes and cause the same to be assessed upon the taxable property of the city, for the purpose of procuring a fire engine or engines and apparatus for the use of said city, or to pay for any other machinery, apparatus, or contrivances adapted to the extinguishment of fires in said city, or to pay for works, engines, machinery and apparatus, or for the use thereof, for supplying said city with water for extinguishment of fires and for other purposes: <i>Provided</i> , That no such loan shall be made or tax levied excepting by a vote of two-thirds of the aldermen elect of said city, and also a vote of a majority of the voters of said city voting thereon, to whom the question of borrowing money for such purpose or levying such tax shall be submitted in the manner provided by law: <i>Provided further</i> , That if said city constructs a system of water-works, the board of water commissioners, to be appointed as hereinafter provided, shall have the management and control of said system of water-works after constructed, which board shall be known by the name of "the board of water commissioners of the city of Owosso." That said commissioners shall hold their offices respectively for the term of one, two, and three years from the first Monday in May after their appointment. Said commissioners to be appointed by the mayor and the two district supervisors, and be confirmed by two-thirds of the aldermen elect of said city. Said commissioners shall, within ten days after their appointment, decide by lot their respective terms of office, which decision shall be certified by written statement to the common council of said city, which shall be entered of record on the books of said common council; and at their next regular meeting and annually thereafter the mayor and said supervisors shall appoint, to be confirmed by a majority of all the aldermen elect, a citizen of said city, being a qualified voter and freeholder, as a commissioner, who shall hold his office for three years from the first Monday in May next following: <i>Provided</i> , That this section shall not be so construed as to disqualify any member of said board for a re-appointment, and in case of the death or resignation or removal from the city of any of said commissioners the mayor and said supervisors shall, as soon thereafter as possible, appoint to fill such vacancy, for the remainder of the term, some citizen of said city, being a qualified voter and a freeholder: <i>Provided further</i> , That the salary of each member of said board of water commissioners shall not exceed one hundred dollars per annum.
Proviso as to vote of electors.	
Proviso as to control of water-works.	
Board of water commissioners.	
Terms of office, appointments, etc.	
Appointments of subsequent boards. Qualification of members, etc.	
Proviso.	
Vacancies.	
Further proviso as to salary.	

This act is ordered to take immediate effect.

Approved May 12, 1887.

[No. 467.]

AN ACT to revise and amend act number three hundred and five of the local acts of eighteen hundred and eighty-three, entitled "An act to re-incorporate the village of Vicksburg," approved May eighteenth, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact,* That Act amended. act number three hundred and five of the local acts of eighteen hundred and eighty-three, entitled "An act to re-incorporate the village of Vicksburg," approved May eighteenth, eighteen hundred and eighty-three, be revised and amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That Territory incorporated. the tract of land situate in the townships of Brady and Schoolcraft in the county of Kalamazoo and State of Michigan, known and described as follows, to-wit: Commencing at the northeast corner of the southwest quarter of the northwest quarter of section number eighteen, in the township of Brady in the county of Kalamazoo and State of Michigan, and running thence south twenty chains to the east and west quarter line of said section, thence east six chains and fifty links, thence south ten chains and fifty links, thence west six chains and fifty links, thence south forty-nine chains and fifty links to the southeast corner of the northwest quarter of the northwest quarter of section number nineteen in said township of Brady, thence west one mile, thence north one mile, thence east one mile to the place of beginning, and more specifically described as the southwest fractional quarter of the northwest fractional quarter of section number eighteen, in the township of Brady; a piece of land in said section number eighteen, commencing at a point in the east and west quarter line of said section, twenty-two chains east of the west quarter post thereof, and running thence east along said quarter line six chains and fifty links, thence south ten chains and fifty links, thence west six chains and fifty links, thence north ten chains and fifty links to the place of beginning; the west half of the southwest fractional quarter of said section number eighteen; the northwest fractional quarter of the northwest fractional quarter of section number nineteen in said township of Brady; the north half of the northeast quarter and the northeast quarter of the northwest quarter of section number twenty-four in the township of Schoolcraft; the east half of the southwest quarter of section number thirteen, the southeast quarter of the northwest quarter of section number thirteen, and the south half of the northeast quarter of section number thirteen, and the southeast quarter of section number thirteen in the said township of Schoolcraft shall be and the same is hereby constituted a village corporate under the name of the "Village of Vicksburg."

SEC. 2. The first election of officers under the provisions of First election. this act shall be held on the second Monday in March, in the year eighteen hundred and eighty-eight, at such place in said village as the common council may designate, and notice of said election

Officers to be elected, terms of office, etc.	<p>and of the registration therefor shall be given, and said election and the registration therefor shall be conducted and the votes cast thereat be canvassed and the result determined in all respects as provided for elections subsequent to the first by the general law relating to villages hereinafter mentioned. At the village election to be held on the second Monday in March, in the year eighteen hundred and eighty-eight, and on the second Monday in March of every year thereafter, there shall be elected by a plurality of all votes cast one president, one treasurer, one street commissioner, one marshal, one assessor and one constable who shall hold their respective offices for the term of one year from the second Monday in March of the year in which they shall be elected and until their successors shall be elected and qualified. There shall also be elected in the same manner on the second Monday in March, in the year eighteen hundred and eighty-eight, and on the second Monday in March of every second year thereafter, three trustees and one clerk, who shall hold their respective offices for the term of two years from the second Monday in March of the year in which they shall be elected and until their successors shall be elected and qualified. All persons residing within said village and having the qualifications of electors under the constitution of this State shall be entitled to vote at all village elections. The officers now holding office under the present village organization shall continue in office, with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected or appointed and qualified.</p>
Electors.	<p>SEC. 3. All rights of action which may have accrued to said village as heretofore incorporated, and all property, both real and personal belonging to the same, shall survive and belong to and may be enforced and disposed of by the village corporate created by this act, and all liabilities of said previously existing village corporate shall be assessed and paid by the village created by this act.</p>
Present officers to continue.	<p>SEC. 4. The council shall, in addition to such other legislative powers as are herein conferred, and in addition to such legislative powers not inconsistent with this act as are conferred by the general law relating to villages hereinafter mentioned, have power to make, ordain and establish ordinances, by-laws, rules and regulations, and the same to alter, amend or repeal at pleasure, for the following purposes, namely;</p>
Rights and liabilities to remain.	<p><i>First,</i> To prescribe the duties of all officers and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by officers for the discharge of their duties, and the time for executing the same in cases not otherwise provided for by law;</p>
Power of council to make ordinances, relative to.	<p><i>Second,</i> To restrain and prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the village, to prohibit, prevent and quell riots, disturbances and disorderly assemblages in the streets or elsewhere in said village;</p>
Duties of officers.	<p><i>Third,</i> To prohibit, restrain and suppress disorderly and gaming houses and houses of ill-fame or assignation or for the resort</p>
Vice and immorality, etc.	
Gaming houses and houses of ill-fame, etc.	

of common prostitutes; to restrain and punish the keepers and inmates thereof and all persons found therein; to apprehend, restrain and punish vagrants, mendicants, drunkards, disorderly persons and common prostitutes;

Fourth, To prohibit the use of profane, blasphemous, obscene, vulgar, indecent or insulting language, lewd and lascivious behavior and other disorderly conduct in the public streets, alleys, or in any public place in said village; Disorderly conduct, etc.

Fifth, To prevent the selling or giving away of spirituous or fermented liquors in like manner and in accordance with the laws of this State; Liquors.

Sixth, To regulate and prohibit bathing in the lakes, ponds or streams of said village, and to prohibit and prevent the depositing in said waters of any filth or other matter tending to render the same impure or offensive; Bathing, etc.

Seventh, To license auctioneers, hawkers and peddlers, and to license and regulate the sale of goods and merchandise of all kinds; Licenses of peddlers, etc.

Eighth, To license, regulate, restrain and prohibit sports, circuses, menageries, concerts, lectures and all public shows and exhibitions; Sports, shows, etc.

Ninth, To license and regulate hotels, restaurants, saloons, eating houses and huckster, eating or drinking stands; and to license, regulate, prohibit and suppress billiard tables and bowling alleys; Hotels, etc.

Tenth, To declare what shall constitute a nuisance, and to prohibit, prevent, abate or remove the same; Nuisances.

Eleventh, To require any horse or other animal attached to any vehicle, or standing in any of the streets, lanes, alleys or public grounds or places in said village, to be securely fastened, held or watched, and to prevent and punish horse racing and immoderate driving or riding in any street, lane or alley, or the driving or riding upon any sidewalk in said village, and to authorize the stopping and detaining of any person who shall be guilty of any such racing, driving or riding; Hitching of horses, etc.
Immoderate driving, etc.

Twelfth, To regulate the use and speed of engines and cars upon the railroads within said village, and to compel the railroad companies, their officers, agents, managers and employes to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules or regulations concerning the same as to secure the safety of the citizens or other persons; Railroads, engineers and cars.

Thirteenth, To provide for the organization and maintenance of a fire department, and define the duties of its members and prescribe the penalties for delinquencies in said fire department; Fire department.

Fourteenth, To provide for the examination by the fire warden or fire wardens from time to time of the stoves, furnaces, pipes, chimneys and other heating apparatus and devices in or near the dwellings, buildings and structures within the village, and of all places where combustible or explosive substances are kept, and to Stoves, furnaces, chimneys, etc.

cause all such as are unsafe with respect to fire to be put in a safe condition;

Fire limits, etc. *Fifteenth*, To prescribe, from time to time, limits or districts within said village, within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts, and the material of which the outer walls and roofs shall be constructed and repaired with respect to protection against fire;

Unsafe buildings, etc. *Sixteenth*, To prevent the erection of buildings in an unsafe manner and regulate the construction of smiths' shops, planing mills, bakeries and all other extra hazardous buildings, and to prevent and extinguish fires;

Combustibles, etc. *Seventeenth*, To regulate or prohibit the using, handling, selling, transporting and storing of gunpowder and other explosive or combustible materials within the village, and to regulate or prohibit the use of cannon, fire-arms and fire-works of any kind;

Dogs. *Eighteenth*, To prohibit and prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found running at large in violation of any ordinance of said village;

Pounds, etc. *Nineteenth*, To provide for and regulate the keeping of one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese and other fowls, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding, and to impose penalties for rescuing any animal or thing impounded;

Cleaning sidewalks, etc. *Twentieth*, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, filth, and obstructions;

Incumbering of streets, etc. *Twenty-first*, To prevent all incumbrances, encroachments, and obstructions upon the highways, streets, alleys, and public grounds in said village and to compel the removal of the same;

Building line. *Twenty-second*, To establish lines upon which buildings may be erected and beyond which such buildings shall not extend;

Shade trees. *Twenty-third*, To regulate the setting and pruning of shade and ornamental trees in the public streets, alleys or public grounds, and provide for the protection of the same;

Hitching posts. *Twenty-fourth*, To regulate or prohibit the setting of hitching posts or cause the same to be removed;

Noxious weeds. *Twenty-fifth*, To compel the owners or occupants of any lot or lots to cut and destroy all noxious weeds growing thereon;

Census. *Twenty-sixth*, To provide for the taking of a census whenever the council shall see fit so to do;

Corporate property, etc. *Twenty-seventh*, To preserve and maintain the corporate property and public places and buildings of said village.

Who to have jurisdiction in cases under ordinances. SEC. 5. Any justice of the peace of the township of Schoolcraft or of the township of Brady shall have the authority to hear, try, and determine all causes and suits arising under the ordinances of said village, and to inflict punishment for violations thereof as provided in the ordinances.

SEC. 6. In all cases in which the council of said village has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding one hundred dollars, unless a greater fine or penalty is otherwise authorized, or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of the prosecution for each violation of any of said ordinances, and may provide that the offender, on failing to pay such fine, penalty or forfeiture and the costs of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance shall be prescribed in the ordinance, and if imprisonment be adjudged in any case it may be in the village prison or in the county jail of the county in which the village is located, or in any other place of confinement provided by the village for such purpose, in the discretion of the court.

Power of council to prescribe fines, etc., limit of.

Penalties to be prescribed in ordinances.

SEC. 7. In all suits commenced by warrant for the violation of any ordinance or by-law of said village, and in all suits to which the village may be a party, brought to recover any penalty for such violation, either party may remove the judgment and proceedings into the circuit court for the county of Kalamazoo, by appeal or writ of *certiorari*, and the proceedings therefor and thereon and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace if the case was commenced by warrant, and in all other cases the proceedings shall be as in cases of appeal and *certiorari* in civil suits: *Provided*, That the village shall in no case be required to give any bond or security thereon.

Removal of causes to circuit court.

Proceedings in circuit court.

Proviso.

SEC. 8. The council shall have power to construct, reconstruct and repair at the expense of said village, such crosswalks and gutters within the corporate limits thereof as they may deem necessary, and to remove earth from high places in any highway, street or alley in said village for the purpose of repairing or filling any low place or places in other or the same highway, street or alley.

Crosswalks and gutters, etc.

SEC. 9. The council shall have power to regulate the construction of all sidewalks in the public streets and alleys of said village, and may prescribe the grade thereof and change the same when deemed necessary. Said council shall have power to order the construction and maintenance of sidewalks in the public streets and alleys of said village, and charge the cost and expense of the same upon lots and premises abutting upon such walks.

Sidewalks, etc.

SEC. 10. The council shall have power to require the owners and occupants of all lots and premises to construct, repair and maintain sidewalks in the public streets and alleys of said village whenever said council shall deem the construction, repair or maintenance of the same a public necessity; and said council shall have power to require all sidewalks to be constructed and laid upon

Idem.

Grade of, etc.

such grades and upon and within such lines, and of such width and materials, and in such manner as said council may order, or by resolution or ordinance prescribe. The council shall also have full and complete power to provide by ordinance for the building of sidewalks by the owners or occupants of premises, and for assessing the cost and expense of sidewalks to owners and occupants who shall neglect or refuse to build the same when ordered by the council, and they may, by ordinance, provide that such expense shall become a lien on the land when assessed as a tax, or that it may be collected by suit.

Idem.

SEC. 11. If the owners or occupants of any lot or premises shall fail to construct, repair or maintain any particular sidewalk, as mentioned in the last section above, the council may cause the same to be done at the expense of such owner or occupant. Such expense may be assessed upon the premises adjacent thereto as provided by the general law relating to villages hereinafter mentioned, and be collected with the annual taxes therein, or the same, together with costs of suit, may be recovered in an action of assumpsit, and in all such actions it shall be sufficient, as a declaration, to declare on the common count in assumpsit for labor and materials furnished and labor expended in constructing any such sidewalk, with the value of such material and labor, verified by the officer under whose charge any such walk may have been constructed, shall be *prima facie* evidence of the right of the village to recover the same.

Removal of
unsafe build-
ings, etc.

SEC. 12. If the owner or occupant of any lot or premises, when required by the council or board of health to remove any unsafe building or structure, or to cleanse, purify or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the council shall incur any expense in causing the same to be done, such expense may be charged upon such lot or premises and collected as a special assessment thereon, as provided by the general law relating to villages hereinafter mentioned; or such expense, together with such penalty as the council may by ordinance prescribe, with costs of suit, may be recovered in an action of assumpsit.

Water-works.

SEC. 13. The council shall have power to levy, in addition to taxes for other purposes authorized by law, a tax on the taxable property in said village, not to exceed two per cent in any one year, for the purpose of constructing and maintaining water-works of any kind or nature to supply the village with water, and to make proper rules and regulations pertaining to the same, whenever they may deem the same necessary.

Compensation
of village
council.
Proviso.

SEC. 14. The compensation of the president and trustees of said village shall be fixed by the council: *Provided*, That the compensation of said president and trustees shall in no case exceed the sum of one dollar each, for every regular monthly meeting of the council.

Governed by
general law.

SEC. 15. The said village of Vicksburg shall, in all things not herein otherwise provided, be governed by and its powers and duties defined by act number sixty-two, of the session laws of

eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory and supplementary thereto.

SEC. 16. All the by-laws and ordinances of said village now in force, not inconsistent with the provisions of this act, are continued in force until the same shall be changed or repealed according to law. Ordinances, etc., to continue in force.

This act is ordered to take immediate effect.

Approved May 18, 1887.

[No. 468.]

AN ACT to amend section one of chapter one and sections seven and seventeen of chapter eight of act number two hundred and forty-five of local acts of eighteen hundred and eighty-three, entitled "An act to incorporate the city of Escanaba in the county of Delta," approved March twenty-seventh, eighteen hundred and eighty-three, and to add to chapter twenty-three of said act ten new sections to stand as sections eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of said chapter.

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter one and sections seven and seventeen of chapter eight of act number two hundred and forty-five of the local acts of eighteen hundred and eighty-three, entitled "An act to incorporate the city of Escanaba in the county of Delta," approved March twenty-seventh, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows, and there shall be and are hereby added to chapter twenty-three of said act ten new sections to stand as sections eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen of said chapter, as follows: Section amended.
Sections added.

CHAPTER I.

SECTION 1. *The People of the State of Michigan enact*, That so much of the township of Escanaba, in the county of Delta and State of Michigan, being formerly the incorporated village of Escanaba, and such other territory as is included in the following descriptions, to wit: All of fractional section twenty-nine, all of section thirty, all of sections thirty-one and thirty-two, all in town thirty-nine north, range twenty-two west; all of fractional sections six and seven in town thirty-eight north, range twenty-two west; also the east half of sections twenty-five and thirty-six in town thirty-nine north, range twenty-three west, shall be and the same is hereby set off from the aforesaid township of Escanaba and declared to be and is hereby organized and incorporated into a city by the name of the city of Escanaba; and the said city Territory incorporated.

shall have jurisdiction over the waters adjacent to said city for the distance of one mile from the shore line thereof.

CHAPTER VIII.

Meetings to be public.

SEC. 7. All meetings and sessions of the council shall be held in public. A majority of the aldermen shall make a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance; but no office shall be created or abolished, nor any tax or assessment be imposed, street, alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use, unless by a concurring vote of two-thirds of all the aldermen elect. No money shall be appropriated, except by ordinance or resolution of the council, nor shall any resolution for the appropriation of money be passed, except by a vote thereof of two-thirds of all the aldermen elected to office, except as herein otherwise provided.

Acts requiring two-thirds vote.

Appropriation, etc.

Removals from office, etc.

SEC. 17. Any person appointed to office by the council by authority of this act may be removed therefrom by a vote of the majority of the aldermen elect, and the council may expel any alderman or remove from office any person elected thereto for neglect of duty or mal-administration of his office by a concurring vote of two-thirds of all the aldermen elect, but no removal of any alderman or other officer shall be made unless charges in writing are preferred and an opportunity given to make defense thereto.

CHAPTER XXIII.

Special assessment for construction or repair of sidewalks.

SEC. 8. When any expense shall have been incurred by the city upon or in respect to any lot or parcel of land, for the construction or repair of sidewalks abutting or adjoining such lot or premises, or for the removal of obstructions or abatement of nuisances upon such sidewalks, lot or parcel of land, which, by the provisions of this act, the council is authorized to charge and collect, as a special assessment, against such lot or parcel of land, an account of the labor and services and materials for which such expenses were incurred, verified by the officer or person performing the services, with a description of the lot or premises upon or with respect to which the expense was incurred, and the name of the owner or the person chargeable therewith, shall be reported by said officer and filed with the city clerk within twenty-four hours after such labor and services shall have been performed or such expense incurred.

Clerk to make special assessment roll.

SEC. 9. Upon receiving the report mentioned in the preceding section the city clerk shall at the next succeeding meeting of the council report the same to that body, and said clerk shall also make a special assessment roll, which shall contain the names of the owners of said lots or parcels of land; a description of said

lots or parcels; the amount of such incurred expenses and the purpose for which the same shall have been incurred, as well as the date when such labor or services shall have been performed or such materials furnished.

SEC. 10. The council shall, when such special assessment shall have been reported by the city clerk, immediately cause notice in writing to be served upon the owner of said lot or premises, if such owner shall be known and residing within the county of Delta, of said special assessment and its purpose, and that said assessment will be reviewed by the city council at the next succeeding meeting of that body. Such notice shall be served upon such owner at least ten days before the time fixed for review, and the same shall be served personally or by leaving the same at the place of residence of such owner, between the hours of nine in the forenoon and seven in the evening, with some person of suitable age, who shall be informed of the substance of its contents.

Council to notify owner of assessment, etc.

SEC. 11. If such owner shall not be a resident of Delta county, or cannot be found therein, or if such owner shall be a corporation, then such notice may be served on the agent of such owner, personally or by leaving the same at his place of residence, as prescribed in the last preceding section. In all cases, however, notice of such special assessment, and of the time and place of the review of the same by the city council, shall be published in some newspaper, published in the city of Escanaba, for at least two weeks before such review shall be had.

Service of notice in case of non-residents, etc.

SEC. 12. Proof of the service of such notice shall be made by affidavit of the person serving the same, and by affidavit of the publisher or manager of the paper in which the same shall have been published, and such proof shall be required, in all cases, by the city council before any special assessment shall be confirmed.

Proof of service of notice.

SEC. 13. At meetings of the city council at which special assessments shall be reviewed the owner or owners of all lots or parcels of land in said city which may be affected by such special assessments, his or their agents or attorneys shall be entitled to be heard, and may show cause why such special assessments should not be confirmed in whole or in part, and thereupon the council shall confirm said assessment in whole or in part, or they may set aside the same, as the right may to them appear; and upon confirmation of any special assessment the city clerk shall endorse upon the assessment roll a certificate under his signature of such confirmation.

Confirmation of special assessments.

Certificate of confirmation.

SEC. 14. When any special assessment shall be confirmed by the council it shall be final and conclusive, but no such assessment shall be confirmed except by the concurrence of two-thirds of the aldermen elect.

Confirmation final, how made.

SEC. 15. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of lands [land] assessed, and shall be a charge against the persons assessed until paid.

Assessments a lien.

SEC. 16. Whenever any special assessments shall be confirmed and be payable, the city clerk shall file with the supervisor of each

Supervisor to levy tax.

How collected.

ward in which any of the lots or premises assessed are located, a true copy of the special assessment roll containing such assessments, with the certificate of confirmation endorsed thereon, and having annexed thereto a warrant, under the hand of said clerk, requiring said supervisor to levy the sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said copy of said roll the supervisor shall levy the several sums therein mentioned upon the respective lots and premises to which they are specially assessed and against the persons chargeable therewith as a tax in the ward tax-roll next thereafter to be made, in a column for special assessments, and thereupon the amount so levied in said ward tax-roll shall be collected and enforced with the other taxes in the ward tax-roll, and in the same manner; and shall continue to be a lien upon the premises assessed until paid, and when collected shall be paid into the city treasury.

Unpaid special assessments, how disposed of.

SEC. 17. In case any special assessment shall in any year remain unpaid the city treasurer shall, at the time prescribed by law for making returns to the county treasurer, file with the city clerk a statement of such unpaid special assessments, with a description of the lot or parcel of land upon which they have been assessed, and the names of the owners or persons charged therewith, and thereupon the said city clerk shall file the same with the original special assessment roll in his office, and unless said assessments shall, in the meantime, have been paid, the said clerk shall, in the following year, certify the same to the supervisor of the ward in which said lots or parcels of land shall be located, who shall reassess the same in the next tax roll thereafter to be made, together with interest on the said assessment at ten per centum per annum, to be computed from the time of confirmation of such unpaid assessments.

This act is ordered to take immediate effect.

Approved May 19, 1887.

[No. 469.]

AN ACT to legalize the action of the board of school inspectors of the township of Nottawa in the county of Isabella, in establishing the boundaries of school district number two in said township.

Action legalized.

SECTION 1. *The People of the State of Michigan enact*, That the action of the board of school inspectors of the township of Nottawa in the county of Isabella in detaching the south half of section twenty-two and the south half of section twenty-one, in the township of Nottawa, in the county of Isabella, the same being town fifteen north, of range five west, from school district number four of the township of Nottawa above described, and in adding and annexing the same to school district number two in said township, be and the same is hereby declared legal and valid

in all respects. Said district number two shall be comprised of the following territory, to wit: Sections thirty-three, thirty-four, twenty-seven, twenty-eight, the south half of section twenty-one and the south half of section twenty-two, the whole being in said township of Nottawa above described.

Territory comprising district No. 2 described.

This act is ordered to take immediate effect.

Approved May 19, 1887.

[No. 470.]

AN ACT to authorize the village of St. Johns to borrow money for the erection and maintenance of water-works.

SECTION 1. *The People of the State of Michigan enact*, That for the purpose of erecting and maintaining water-works for the use of the village of St. Johns and the inhabitants thereof, the board of trustees of said village is hereby authorized to submit to the qualified electors of said village, at any annual or special election called as required by law, a proposition to raise a sum not exceeding thirty thousand dollars by loan, at a rate of interest not exceeding seven per cent per annum, to be voted upon by them.

Purpose of loan.

To submit proposition to vote of electors.

SEC. 2. All votes given under the provisions of this act shall be by ballot. Those voting in favor of the loan shall have written or printed on their ballots "For the loan;" and those voting against the loan shall have written or printed on their ballots "Against the loan." And such election shall be conducted in the manner of conducting village elections.

Form of ballots.

Election, how conducted.

SEC. 3. If such proposition shall be approved by a majority vote of the electors voting at such election, the board of trustees at any time thereafter may borrow said sum of thirty thousand dollars, or so much thereof as they may consider necessary, and issue the bonds of said village for the payment thereof, with the interest, said bonds to mature not later than twenty years from the date of their issue.

If proposition is approved board of trustees may borrow \$30,000.

Bonds, time of payment of.

This act is ordered to take immediate effect.

Approved May 19, 1887.

[No. 471.]

AN ACT to amend sections five and seventy of Act number three hundred and forty-six, session laws of eighteen hundred and eighty-one, entitled "An act to revise an act to incorporate the city of Bay City," approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof.

SECTION 1. *The People of the State of Michigan enact*, That sections five and seventy of an act entitled "An act to revise

Sections amended.

an act to incorporate the city of Bay City," being act number three hundred and forty-six, approved March thirtieth, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, be and the same are hereby amended so as to read as follows:

- Officers elected.** SEC. 5. At the first annual election after the passage of this act and at each annual election thereafter, there shall be elected one alderman in each ward of said city, by the electors thereof voting in their several wards, who shall hold his office for two years. There shall also be elected annually in each ward, by the electors thereof, one supervisor and one constable, each of whom shall hold his office for one year. Each of said supervisors shall be the supervisor of the ward for which he was elected, with all the powers of supervisors of townships in this State, and subject in all respects to the provisions of law regulating the duties of township supervisors, except as herein otherwise provided. At the first annual charter election after the passage of this act and every two years after such election, there shall be elected on a general city ticket by the qualified electors of said city one recorder, who shall hold his office for two years. And at the second annual election after the passage of this act and every two years after such election there shall be elected one mayor and one treasurer, each of whom shall hold his office for the term of two years. At said second annual election and every four years thereafter there shall be elected one comptroller who shall hold his office for four years.
- Power of supervisors.** And at every annual election after the passage of this act there shall be elected one justice of the peace who shall hold his office for four years. Justices of the peace of said city shall have the same jurisdiction and powers, perform the same duties, and be subject to the same liabilities as justices of the peace of townships of this State, except as herein otherwise provided. The terms of office of said justices shall commence when elected and qualified. Each of said officers shall hold his office until his successor is elected and qualified. The treasurer shall be ineligible for election for more than two terms of said office in succession.
- Recorder, term of office.** The mayor and aldermen shall receive as compensation for their services the sum of two dollars for each session of the council when actually in attendance: *Provided, however,* That all persons now holding elective office in said city who have been elected by a vote of the people, at a general city election, shall continue to hold their several offices for the remainder of their unexpired terms.
- Mayor and treasurer, term of office.** SEC. 70. Upon the approval by the council of the report of the board of public works of the amount due for the construction of any sewer, or grading, paving, macadamizing or otherwise improving any street, the expense of which is a charge upon the property benefited thereby, the recorder shall issue a warrant, countersigned by the comptroller, to be drawn upon the fund assessed and levied to defray such expense; which warrant shall, from sixty days after the date thereof, draw interest at the rate of seven per cent per annum, payable out of the interest collected
- Comptroller, term of office.**
- Justice of the peace, term of office.**
- Power and jurisdiction of.**
- Compensation of mayor and aldermen.**
- Proviso as to present officers holding office.**
- Warrants on special fund for certain improvements.**
- When warrant to draw interest.**

upon the tax assessed for the construction of the improvement upon which fund said warrant shall be drawn: *Provided further*, Said interest shall not be paid from any other fund, and all interest shall cease when there is sufficient money in the fund for the payment of said warrants, with the interest thereon.

When interest
to cease.

This act is ordered to take immediate effect.

Approved May 19, 1887.

[No. 472.]

AN ACT to incorporate the village of Sherman in the county of Wexford.

SECTION 1. *The People of the State of Michigan enact*, That the following described lands and territory, being portions of the townships of Antioch, Hanover, Wexford and Springville, in the county of Wexford, to-wit: The northeast quarter of section one, town twenty-three north, twelve west, and the northwest quarter section six, town twenty-three north, eleven west, and the west half of section thirty-one, town twenty-four north, eleven west, east half of section thirty-six, town twenty-four north, twelve west, be and the same is hereby constituted a village corporate to be known as the village of Sherman.

Territory
incorporated.

SEC. 2. The first election of officers of said village shall be held on the second Monday in June in the year of our Lord one thousand eight hundred and eighty-seven, at the Exchange hotel in said village, notice of which shall be posted in three of the most public places in said village by the board of registration hereinafter appointed, at least ten days previous thereto.

First election.

SEC. 3. Leroy P. Champenois, Bartholomew Wood and Orla Richardson are hereby appointed and constituted a board of registration for the purpose of registering voters for the first election to be held in said village of Sherman, on the Saturday preceding the second Monday in June, in the year of our Lord one thousand eight hundred and eighty-seven, and register the names of all persons of said village presenting themselves for registration, and having the qualifications of voters at annual township meetings, due notice of which shall be given by said board in manner and time as provided in the preceding section.

Board of
registration.

SEC. 4. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time so designated in section two of this act, on notice being given as provided in said section.

Meeting of
board.

Election may be
held at other
than time
specified.

SEC. 5. The said village of Sherman shall, in all things not herein otherwise provided, be governed and its powers and duties defined by an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and acts amendatory thereto.

Governed by
general law.

SEC. 6. The poor that are now or may hereafter become a

Maintenance of poor. charge upon the township, within the limits of the territory described in section one of this act, shall be maintained by the said township or county of Wexford in the same manner as though the said village of Sherman had not been incorporated.

This act is ordered to take immediate effect.

Approved May 21, 1887.

[No. 473.]

AN ACT to amend sections one, two, four, five, twenty-two and twenty-three of act number three hundred and twenty-one of of the session laws of eighteen hundred and seventy-three, entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-two, eighteen hundred and seventy-three, as amended by the several acts amendatory thereof, and to add to said act a new section to be known and numbered as section twenty-four of said act.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two, four, five, twenty-two and twenty-three of act number three hundred and twenty-one of the session laws of eighteen hundred and seventy-three, entitled "An act to authorize a board of public works in and for the city of Grand Rapids," approved March twenty-two, eighteen hundred and seventy-three, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows:

Board of public works.

SECTION 1. *The People of the State of Michigan enact*, That there shall be constituted a board of public works in and for the city of Grand Rapids, composed of six persons, five of whom shall be qualified electors of said city, to be appointed by the mayor of said city of Grand Rapids, and the mayor of said city to be a member of said board by virtue of his office of mayor.

Present members to continue in office.

The members of said board of public works, as now constituted, shall, in the same manner, continue to hold their respective offices until their successors are appointed and qualified, in the manner provided for in section three of this act, in place of those

Oath.

whose respective terms of office shall expire. The persons appointed and accepting membership in said board of public works shall take the oath of office prescribed for city officers within one week from the date of their appointment, and the members of said board shall meet and organize said board within one week after such qualification.

Organization of board.

SEC. 2. The said board shall annually elect one of its appointed members president thereof, to act as such until his successor is elected, and shall, from its appointed members, fill any vacancy in such office of president. The members of said board shall discharge such duties and functions as appertain to the consideration and decision of all questions before the board,

Duty of members.

under the conditions and restrictions herein prescribed. The appointed members of said board shall each receive at the rate of

Compensation.

three dollars per day for actual time necessarily spent in the discharge of the duties of their office, whether attending as members upon the sessions of said board or otherwise; but no account for services by appointive members, other than for attendance upon sessions of the board, shall be paid unless the same shall first be approved by said board. The appointive members shall make and verify their accounts for services, charging at the rate aforesaid, and thereupon it shall be the duty of the common council to allow and order payment for such services from the general fund of said city.

SEC. 4. Any appointive member of said board may, at any time, be removed by the mayor and common council of said city, for official misconduct, or for the unfaithful or inefficient performance of the duties of his office. The proceedings in that behalf shall be entered in the record of its proceedings: *Provided*, That a copy of the charges against such member sought to be removed, and notice of the time and place of hearing the same, shall be served on him ten days at least previous to the time so assigned, and opportunity given him to make his defense.

SEC. 5. No appointive member of said board shall hold any elective office under the charter of said city, during his continuance as member of said board, and his election to any office in said city by the people, which he shall not forthwith resign, shall be deemed to be a resignation of membership, and shall vacate his office in said board. No member of said board shall be personally interested, either directly or indirectly, in any contract for any public work in said city, under the control of said board, nor in the purchase, sale or disposition of any material to be used or applied in or about any public work or improvement under the control of said board.

SEC. 22. The board of public works shall keep a record of their proceedings and determination, and therein shall be shown the vote of each member voting upon every question brought before and decided by said board, which record shall at all times be open to public inspection and shall be public records. Three of the members of said board shall form a quorum for the transaction of business, but it shall require the concurrent votes of at least three of the members of said board to decide questions before the board, and in case of a tie-vote the question shall be deemed to be lost. All bonds and contracts shall be filed and preserved in the office of the board.

SEC. 23. Said board shall in its discretion have power to repair, extend, and improve the main and distributing pipes in said city and all other parts of the water-works of said city connected therewith, and may also provide an additional supply of water as the same shall be needed, whenever means are provided for that purpose. Whenever said board shall deem such work necessary it shall communicate such determination to the common council, with its reasons therefor, and a general plan of the work proposed, with an estimate of the cost thereof, whereupon the common council of said city is hereby authorized to borrow

Removals.

Provido.

Members of board to hold no elective city office.

Not to be interested in contracts, etc.

Record of proceedings of board.

Quorum.

Bonds, etc., to be filed.

Power of board to extend, repair, etc., water-works.

Board to furnish plans and estimates.

Council authorized to borrow money and issue bonds.

Disposal of
bonds.

Avails to be
applied to
certain purpose.
Proviso as to
vote of electors.

Section added.

Maps of addi-
tion or subdivi-
sion to be ap-
proved by board
of public works,
etc.

Acts repealed.

on the faith of said city such sum of money for the purpose of defraying the expense of such work as it may deem expedient, not exceeding such estimate, for a term of not exceeding twenty years, at a rate of interest not exceeding six per cent per annum; and for such purpose may issue the bonds of the city, signed by the mayor and countersigned by the comptroller, and in such form and sums as the common council may direct, and such bonds shall be disposed of under the direction of the common council or the mayor of said city, upon such terms as may be deemed advisable, but not for less than the par value thereof; and the avails shall be applied to the purposes aforesaid, and to no other purpose: *Provided*, That nothing in this act contained shall be so construed as to authorize the incurring of any bonded indebtedness against said city of Grand Rapids for the purpose aforesaid, unless the qualified electors of said city, voting in their respective wards, shall have authorized the issuing of said bonds by a majority of their votes cast at any regular election, or at a special election called for the purpose of voting upon that question.

SEC. 2. That a new section be added to said act as amended by the several acts amendatory thereof, said new section to be known and numbered as section twenty-four of said act, and to read as follows:

SEC. 24. In all cases when land in said city shall hereafter be subdivided into lots and blocks, or either, and into streets, alleys or public grounds, the map or plat thereof shall be submitted to said board of public works for their approval, and no such map or plat shall be recorded or have any validity until approved by said board, and be certified by endorsement on said map or plat, signed by the president of said board, of which map or plat a copy shall be placed on file in the office of said board.

SEC. 3. So much of all acts and parts of acts as are inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved May 21, 1887.

[No. 474.]

AN ACT to amend section two of title twenty-three of act number three hundred and two of the session laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Holland,' being amendatory of an act entitled 'An act to incorporate the city of Holland, approved March twenty-five, eighteen hundred and sixty-seven, approved March twenty-three, eighteen hundred and seventy-one, which became a law April two, eighteen hundred and seventy-three,' approved April one, eighteen hundred and seventy-five, as amended by act number two hundred and sixty-eight of the session laws of

eighteen hundred and seventy-seven, approved March twenty-two, eighteen hundred and seventy-seven, as amended by act number three hundred and thirty-seven of the session laws of eighteen hundred and eighty-five," approved April twenty-nine, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact*, That section two of title twenty-three of act number three hundred and two of the session laws of eighteen hundred and seventy-five, entitled "An act to amend an act entitled 'An act to amend an act entitled 'An act to revise the charter of the city of Holland,' being amendatory of an act entitled 'An act to incorporate the city of Holland, approved March twenty-five, eighteen hundred and sixty-seven, approved March twenty-three, eighteen hundred and seventy-one, which became a law April two, eighteen hundred and seventy-three,' approved April one, eighteen hundred and seventy-five, as amended by act number two hundred and sixty-eight of the session laws of eighteen hundred and seventy-seven, approved March twenty-two, eighteen hundred and seventy-seven, as amended by act number three hundred and thirty-seven of the session laws of eighteen hundred and eighty-five," approved April twenty-nine, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

SEC. 2. The mayor and school inspectors elected as provided in this act shall constitute the board of education of the public schools of the city. They shall elect from their own number annually, at such time as they shall designate, a president of the board, and they shall also, at such time, elect a secretary of the board, who may or may not be a member of the board, and whose duties shall be fixed and prescribed by the board: *Provided*, That whenever a secretary shall be elected who is not a member of said board he shall have no vote therein. They shall meet from time to time, as they may determine, for the transaction of business, and shall keep a record of all their proceedings. The city treasurer shall be treasurer of the public schools.

Board of
education and
organization of.

Proviso.

This act is ordered to take immediate effect.

Approved May 21, 1887.

[No. 475.]

AN ACT to amend sections six and nine of an act entitled "An act to restrict the powers of the commissioner of highways of the township of Republic, in the county of Marquette, and to authorize the township board of said township to provide for maintaining the streets, sidewalks, crosswalks and alleys now or hereafter built in the village of Republic, and to maintain a fire department and to regulate and license auctioneers and peddlers in said village," approved April twenty-nine, eighteen hundred and eighty-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections six and nine of an act entitled "An act to restrict the powers of the commissioner of highways of the township of Republic in the county of Marquette, and to authorize the township board of said township to provide for maintaining the streets, sidewalks, crosswalks and alleys now or hereafter built in the village of Republic, and to maintain a fire department and to regulate and license auctioneers and peddlers in said village," approved April twenty-nine, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Offenses against
certain provisions
cognizable
before justices
of the peace.

SEC. 6. All offenses against the provisions of sections three and five of this act shall be cognizable before any justice of the peace of said township of Republic. Actions against any person or persons for committing any offense against any of the provisions of said sections three or five of this act may be commenced by summons or by complaint and warrant as in actions of tort before justices of the peace in civil cases. Such complaints may be made by any constable of said township of Republic on information and belief, or by any other person having knowledge of the facts. Such summons or warrant shall be directed to any constable of the township of Republic, in the county of Marquette, and may be served in any part of said county by the sheriff or under sheriff, or any deputy sheriff or constable of said county. The defendant, if convicted, shall be entitled to an appeal to the circuit court for the county of Marquette within the same time and in the same manner provided for taking appeals from justices' courts in civil cases.

Warrant.

Appeal.

Disposition of
license and fine
moneys, etc.

SEC. 9. All licenses, penalties, costs and judgments collected under the provisions of this act shall be placed by the township treasurer to the credit of the general or contingent fund of said township. All actions under this act shall be brought in the name of the township of Republic. No by-law shall be adopted under the provisions of this act unless by a vote of a majority of all the members elect of such township board, voting by yeas and nays, which shall be duly recorded in the record book of such township. Meetings of said township board, for the purpose of exercising any of the powers conferred on said board by this act, may be held whenever called by the supervisor of said township, on a written notice of at least twenty-four hours to each of the other members of said board, which notice may be served personally or by leaving the same at the residence of such member:

How actions
brought.

How meetings
of township
board to be
called.

Proviso.

By-laws.

Provided, That when all the members of the township board meet no notice shall be necessary. No by-law shall take effect until the expiration of ten days after its adoption by the township board. It shall be the duty of the township clerk of said township to give public notice of the adoption of any such by-law by posting up three copies of such by-law, certified by him, in three public places in such township, within two days after its adoption. The record of such by-law or a copy thereof, certified to be a true copy by the township clerk of said township, shall be *prima facie*

evidence in all courts and places of the existence of such by-law.

This act is ordered to take immediate effect.

Approved May 21, 1887.

[No. 476.]

AN ACT to detach certain territory from graded school district number four of the townships of Evergreen, Sidney, Bushnell and Fairplains, and from primary school districts number one and five of the township of Sidney, and from fractional district number six of the townships of Evergreen and Sidney, in the county of Montcalm, and to erect and make the same into a primary school district, and to provide for the first meeting of said district.

SECTION 1. *The People of the State of Michigan enact, That* Territory described.
the certain territory hereinafter described shall be detached from graded school district number four of the townships of Evergreen, Sidney, Bushnell and Fairplains, and from primary districts number one and five of the township of Sidney, and fractional district number six of the townships of Evergreen and Sidney, in the county of Montcalm, and the same shall be and hereby is erected and made into a primary school district, to be known and designated as district number nine of the township of Sidney, in said county, to wit: Sections twenty-six and thirty-five in the said township of Sidney, now included in graded district number four of Evergreen, Sidney, Bushnell and Fairplains, and the southeast quarter of section twenty-three of the said township of Sidney, now included in fractional district number six of Evergreen and Sidney, and the southwest quarter of section twenty-three of the township of Sidney, now included in district number one of the said township of Sidney, and the east half of the southeast quarter and northeast quarter, and the east half of the northwest quarter of section twenty-seven, and the east half of the east half of section thirty-four of the said township of Sidney, now included in district number five of Sidney.

SEC. 2. The first meeting of said district shall be called and held in the same manner as if the said district had been formed by the township board of school inspectors, and in accordance with the provisions of section five thousand and thirty-four of Howell's Annotated Statutes; the said meeting to be held within thirty days after the passage of this act. First district meeting.

SEC. 3. If for any cause the first meeting shall not be held as above designated it shall not invalidate this act: *Provided,* Meeting may be held at time other than that designated. The said first meeting shall be held within one year from the passage of this act.

SEC. 4. The said district shall be governed in all its acts by the primary school [law] of this State. District governed by general law.

This act is ordered to take immediate effect.

Approved May 23, 1887.

[No. 477.]

AN ACT to authorize the city of Big Rapids in the county of Mecosta to borrow money to be used in the construction of bridges across the Muskegon river and in building and grading the approaches thereto, and to issue their bonds therefor.

Authorized to
borrow money.

For what
purposes.

Proviso as to
vote of electors.

Issue of bonds.

How signed,
etc.

Tax for pay-
ment of.

When first lot
payable.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Big Rapids in the county of Mecosta shall be and is hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor, to an amount not exceeding thirty thousand dollars, which shall be expended in the construction of bridges across the Muskegon river within the limits of said city and in building and grading the approaches thereto: *Provided*, That a majority of the qualified electors of said city voting at an election to be called for that purpose, after due notice, as required by the provisions of the charter of said city, shall vote in favor of such loan, and not otherwise.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding in the aggregate the amount hereinbefore limited, and payable at such times, with such rates of interest not exceeding six per centum per annum, as the common council shall direct, and shall be signed by the mayor and recorder and sealed with the seal of said city, and negotiated by or under the direction of said common council; and the money arising therefrom shall be appropriated in such manner as said common council shall determine, for the purpose aforesaid, and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due: *Provided*, That the bonds mentioned in this act shall be so issued as to fall due and become payable in lots of five thousand dollars annually, and that the first lot shall fall due and become payable in the year one thousand nine hundred and two.

This act is ordered to take immediate effect.

Approved May 23, 1887.

[No 478.]

AN ACT to amend section twelve of act number one hundred and sixty-one of the session laws of eighteen hundred and fifty-five, entitled "An act to incorporate the village of Three Rivers," approved February thirteenth, eighteen hundred and fifty-five, as amended by the several acts amendatory thereof, by adding thereto a new subdivision to stand as number sixty.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section twelve of act number one hundred and sixty-one of the

session laws of eighteen hundred and fifty-five, entitled "An act to incorporate the village of Three Rivers," approved February thirteenth, eighteen hundred and fifty-five, as amended by the several acts amendatory thereof, be and the same is hereby amended by adding thereto a new subdivision to stand as number sixty, as follows:

Subdivision added.

SEC. 12. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, buildings, and all property, real and personal, belonging to the village, and may make such ordinances and by-laws relating to the same as they shall deem necessary and proper; and, further, they shall have power to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they deem desirable within said village for the following purposes:

Additional powers of common council to pass ordinances, etc., relative to:

First. To prevent vice and immorality, to preserve the public peace and good order, to regulate the police of the village, to prohibit, prevent and quell riots, disturbances, disorderly noises or assemblages in the streets or elsewhere in said village;

Vice, etc.

Second. To prohibit, prevent and restrain disorderly and gaming houses, to destroy all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;

Disorderly houses, etc.

Third. To prohibit, restrain or prevent persons from gaming for money or other valuable thing with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, in any grocery, store, shop, or in any other place in said village; to punish the persons keeping the building, place, instruments, devices, or means for such gaming, and to provide for the destruction of the same;

Gaming.

Fourth. To prohibit, prevent and suppress all lotteries for drawing or disposing of money, property or valuable thing whatsoever, and to punish all persons maintaining, directing or managing the same, or aiding in the maintenance, direction or management thereof;

Lotteries.

Fifth. To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drank any spirituous or intoxicating liquors to any minor or drunkard; to require that all saloons, restaurants, bars in taverns or elsewhere, and all other places where malt, spirituous or intoxicating liquors are sold, either at wholesale or retail, shall be closed on the first day of the week, commonly called Sunday, election days or legal holidays, and no malt, spirituous or intoxicating liquors shall be sold or given away in any such place at any time during such days, and on each week day night from and after the hour of nine o'clock until six o'clock of the morning of the succeeding day; and to prohibit, restrain or regulate the sale of all goods, wares and personal property at auction, except in cases of sales authorized by law, and to fix the fee to be paid by auctioneers;

Liquors, etc.

Nuisances.

Sixth, To prohibit, prevent, abate or remove nuisances of every kind, and to declare what shall be considered nuisances, and to compel the owner or occupant of any grocery, provision store, tallow chandler shop, butcher stall, soap factory, tannery, stable, privy, hog-pen, sewer, or other offensive or unwholesome house or place to cleanse, remove, or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience of said village;

Location of slaughter-houses, powder houses, etc.

Seventh, To direct the location of all slaughter-houses, markets, and buildings for storing gunpowder, or other combustible or explosive substances; also to make regulations concerning the buying, carrying, selling, keeping and using gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or other combustible, explosive, or dangerous articles, and the exhibition of fire-works, and the discharge of cannon or fire-arms, and the use and kind of lights or lamps to be used in barns, stables, and all buildings, cellars, and establishments usually regarded as extra hazardous in respect to fire, and to regulate, restrain, or prevent the making of bonfires in streets, lanes, alleys, yards or public places;

Fines, etc.

Cumbering streets, etc.

Eighth, To prevent the cumbering of streets, sidewalks, cross-walks, lanes, alleys, bridges, in any manner whatever, and to remove any obstruction therefrom; to regulate or prevent the exhibition of signs on canvass or otherwise, in or upon any vehicle, standing or traveling upon the streets of said village, or held or carried by any person; to control, prescribe, or regulate the mode of constructing and suspending awnings, and the exhibition and suspension of signs; to control, prescribe, and regulate the manner in which the streets, lanes, avenues, alleys, public grounds and spaces within said village shall be used, and to establish the grades thereof, and to provide for the preservation of and the prevention of willful injury to the gutters in said streets, lanes, avenues, and alleys; to direct and regulate the planting and to provide for the protection and preservation of ornamental trees therein;

Signs, awnings, etc.

Trees.

Horses, etc.

Ninth, To require any horse, horses, mules or other animals attached to any vehicle, or standing in any of the streets, lanes, alleys, or public grounds or places in said village, to be securely fastened, held or watched, and to prevent and punish horse racing and immoderate driving or riding in any street, lane or alley, and to authorize the stopping and detaining any person who shall be guilty of any immoderate riding or driving in any street, lane or alley;

Railroad grades, etc.

Tenth, To determine and designate the route and grade of any railroad to be laid or constructed in said village, and to regulate the use and speed of locomotives, engines and cars upon the railroads within said village, and to compel the railroad companies, their officers, agents, managers and employes to station flagmen at street crossings, and to prescribe the length of time that engines or cars may stand on said streets or otherwise obstruct them, or to prohibit the same, and to make such other rules and

(or) regulations concerning the same as to secure the safety of the citizens or other persons ;

Eleventh, To restrain and punish drunkenness, vagrants, mendicants and street beggars soliciting alms or subscriptions for any purpose whatever ; Drunkenness, vagrancy, etc.

Twelfth, To regulate and prohibit bathing in any public water ; to provide for clearing the river, ponds and streams in said village, and the races and canals connected therewith, of all drift-wood and noxious matter, and to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such an extent as to make localities near them unhealthy, or to cause the atmosphere in their vicinity to be unwholesome or offensive ; Bathing and purity of waters.

Thirteenth, To establish and regulate one or more pounds, and to prevent the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same, for the penalty incurred, and the costs of keeping, impounding and sale ; Pounds.

Fourteenth, To prohibit and prevent the running at large, dogs, to require them to be muzzled, and to authorize their being killed when running at large in violation of any ordinance of the common council, and to prohibit any person from placing, exposing or administering any poison to any dog or other animal not his own, and to punish such person for so doing ; Dogs.

Fifteenth, To prohibit any person from bringing into or depositing in said village any dead carcass, or other unwholesome or offensive substances, and to require the removal or destruction of the same ; and if any person shall have on his premises such substances, or any putrid meats, fish, hides, or skins of any kind, and shall neglect or refuse to authorize the removal or destruction of the same, the same may be done by some officer of said village ; Bringing unwholesome substances into village.

Sixteenth, To compel all persons to keep sidewalks in front of or adjoining premises owned or occupied by them clear from snow, ice, dirt, wood or obstructions ; Clearing sidewalks.

Seventeenth, To prevent or regulate the ringing of bells and the crying of goods and other commodities, or other disturbing noises on the streets, lanes or alleys or in any public place, or on or in private property adjacent thereto ; Ringing of bells, etc.

Eighteenth, To prescribe the powers and duties of the policemen and watchmen, and to impose fines and penalties for their delinquencies, and to require them to be uniformed, and the appointment of a marshal, one or more street commissioners, one attorney, and such other officers as they may deem necessary, and to fix their compensation ; Policemen, etc.

Nineteenth, To regulate and establish the line upon which buildings may be erected upon any street, lane or alley in said village, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner, Building lines.

	builder, or workmen violating this provision, not to exceed one hundred dollars and costs;
Graveyards.	<i>Twentieth</i> , To regulate all graveyards in the village and the burial of the dead;
Hay markets, etc.	<i>Twenty-first</i> , To regulate the markets, the vending of hay, wood, meats, vegetables, fruit, fish, grain and provisions of all kinds, and of other goods or property in the streets, lanes, alleys or public places in said village, and to prescribe the places for selling the same;
Reservoirs, wells, etc.	<i>Twenty-second</i> , To establish, regulate and preserve public reservoirs, wells and pumps, and to prevent the waste of water; and also to construct reservoirs and wells, and to provide water and water-works for the extinguishment of fires and for other purposes;
Draymen, etc.	<i>Twenty-third</i> , To prescribe rules to govern carmen and their carts, draymen and their drays, hackney carriages and their drivers, scavengers, porters and chimney sweeps, and their fees and compensation, and the fees to be paid by them into the village treasury for license; to prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, drays, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, produce and other property exposed for sale in said village;
Solicitors for hotels, etc.	<i>Twenty-fourth</i> , To regulate the soliciting of guests for hotels or other places, and passengers and others to ride upon any railroad, street car, omnibus or stage;
Lighting streets, etc.	<i>Twenty-fifth</i> , To regulate the lighting of the streets, alleys and public places, and the protection and safety of the public lamps, and to employ a suitable person to superintend the same, to prescribe his duties and to fix his compensation therefor;
Hawking and peddling.	<i>Twenty-sixth</i> , To regulate, restrain, or prevent hawking and peddling in the streets, lanes, alleys and public places, and to regulate pawn-brokers;
Duties of appointed officers.	<i>Twenty-seventh</i> , To prescribe the duties of all officers appointed by the president or common council, and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the village for the discharge of their duties, and the time for executing the same in cases not herein or otherwise provided for by law;
Draining lots, etc.	<i>Twenty-eighth</i> , To fill up, level or drain any lot or premises whenever the common council shall deem it necessary; to abate, prevent or remove any nuisance, and to assess the cost and expenses thereof on said lot or premises, or on the district to be benefited thereby, in the same manner as other special assessments may be made, enforced, and collected;
Fees of sheriffs, etc.	<i>Twenty-ninth</i> , To fix and regulate the fees of sheriffs, constables, jurors and witnesses in any proceeding under this act, or under any ordinance of the common council in cases not herein or otherwise fixed or regulated by law;
Public parks, etc.	<i>Thirtieth</i> , To provide for public parks and squares, make,

grade, improve and adorn the same and all grounds in said village belonging to or under the control of said village, and to control and regulate the same consistently with the purposes and objects thereof;

Thirty-first, To sell or otherwise provide for disposing of all dirt, filth, manure, cleanings lying in or gathered from streets, avenues, lanes, alleys or from the public squares and grounds of said village in grading, paving or otherwise improving the same; Disposal of dirt, etc.

Thirty-second, To provide for and regulate the lighting of public lamps and the erection of lamps and lamp-posts, and suitable hitching posts; to prohibit all practices, amusements and doings in said streets, lanes, alleys, public places, parks and grounds having a tendency to frighten teams and horses or dangerous to life, limb or property; Lamps, posts, etc. Amusements.

Thirty-third, To preserve quiet and order in the streets and other public places in said village, at the arrival and departure of railroad trains, and to prescribe and regulate the manner and places in which drivers, porters, runners, solicitors, agents and baggage collectors for hotels or public houses, or places of public resort, or express companies, draymen, cabmen, cartmen, hackmen, omnibus drivers and solicitors for passengers or baggage, with their drays, carts, cabs, carriages, sleighs or other vehicles shall stand, and to prohibit or prevent them from entering or driving within any railroad depot to solicit passengers or baggage; Order in streets and about depots.

Thirty-fourth, To prohibit and prevent, in the streets or elsewhere in said village, any lewd and lascivious behavior, or indecent exposure of the person; the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings, books, or devices, or any written or printed paper or other thing containing obscene, opprobrious, scurrilous, scandalous, libelous or defamatory matter, and all indecent or obscene exhibitions and shows of any kind; Lewd and lascivious behavior in streets, etc.

Thirty-fifth, To establish, construct, maintain, repair, enlarge, and discontinue within the streets, avenues, lanes, alleys, and public places of said village, such bridges, culverts, sewers, drains, and lateral drains and sewers as the common council may see fit, with a view to the proper drainage and sewerage of said village; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof within said village, to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions and under such regulations as shall be prescribed: *Provided,* That the bridges within the limits of said village over the streams crossing the public highways leading to or passing through the said village shall be and remain under the care and custody of the commissioner of highways of the township of Lockport, and shall be erected and kept up at the expense of said township at large; all other bridges to be rebuilt, repaired and kept in repair by said village; Bridges, culverts, etc. *Provided as to certain bridges.*

Thirty-sixth, To survey and establish boundaries of the village Boundaries of streets, etc.

and of all streets, avenues, lanes, alleys, public parks, grounds, squares, and spaces in said village; to prevent and remove all encumbrances and encroachments upon the same by buildings, fences or in any other manner, and to number the buildings, and to assess and collect the expense of such numbering of the owner or occupant;

Preservation of public health.

Thirty-seventh, To provide for the preservation of the general health of the inhabitants of said village; to make regulations to secure the same; to prevent the introduction or spreading of contagious or infectious diseases; to prevent and suppress the causes of diseases generally, and, if deemed necessary, to establish a board of health, and prescribe and regulate its powers and duties;

Houses of ill-fame, etc.

Thirty-eighth, To prohibit, prevent, and suppress the keeping of houses of ill-fame or assignation, or for the resort of common prostitutes, disorderly houses and disorderly groceries; to restrain, suppress, and punish the keepers thereof, and of persons found therein; to punish and restrain common prostitutes, vagrants, and drunken and disorderly persons; to prohibit, prevent, and suppress mock auctions and every kind of fraudulent game, device, or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the management, use, and practice thereof;

Unwholesome meat, etc.

Thirty-ninth, To prohibit, prevent, and suppress the sale of every kind of unsound, nauseous, or unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, and to punish all persons who shall knowingly sell the same, or offer or keep the same for sale;

Violation of Sabbath, etc.

Fortieth, To prevent the violation of the Sabbath and the disturbance of any religious congregation or any other public meeting assembled for any lawful purpose;

Security of village.

Forty-first, To secure said village and its inhabitants against injuries by fire, thieves, robbers, burglars, and other persons violating the public peace;

Construction of cellars, drains, etc.

Forty-second, To direct and regulate the construction of cellars, slips, barns, private drains, sinks, and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, re-lay or repair the same;

Buildings for dangerous occupations, etc.

Forty-third, To prohibit and prevent, within certain limits or districts in said village, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene, and dangerous or explosive substances, slaughter-houses and yards, butchering shops, soap, candle, starch, and glue factories, establishments for steaming or rendering lard, tallow, offal, and such other substances as can be rendered into tallow, lard or oil, and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops, and establishments as aforesaid, now or hereafter to be constructed in said village, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments,

breweries, and all buildings and establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make, with a view to the protection of any from injury by fire, or of the preservation of the health and safety of the inhabitants of said village, and to prevent them from becoming in any way nuisances;

Forty-fourth. To prescribe from time to time limits or districts within said village within which wooden buildings and structures shall not be erected, placed or enlarged, and to direct the manner of constructing and repairing buildings within such limits or districts, and the material of which the outer walls and roofs shall be constructed and repaired with respect to protection against fire; to prohibit and prevent the removal of wooden or frame buildings from any other place to any lot or place within such limits or district; Fire limits.

Forty-fifth. To regulate or prohibit within such limits or districts the location of shops, the prosecution of any trade or business, the keeping of lumber yards and the storing of lumber, wood or other easily inflammable material in other places, when, in the opinion of the common council, the danger from fire is increased; and every building or structure which may be erected, placed or enlarged, or kept in violation of any ordinance or regulation of the common council, made for the prevention of fires, is hereby declared to be a nuisance and may be abated or removed by direction of the common council; Shops, lumber yards, etc.

Forty-sixth. To regulate the construction of division or partition fences and of partition and parapet walls, the walls of buildings and their thickness; to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and to fix the fees therefor, to compel and regulate the construction of ash-houses or depositories for ashes; to compel the owners of houses and other buildings to have scuttles in the roofs thereof, and steps or ladders leading to the same; to authorize and empower the proper officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition, and to punish any person for neglecting or refusing so to do; to authorize any of the officers of the village to keep all idle or suspicious persons away from the vicinity of fires, and to compel all officers of the village and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom; Fences, walls, chimneys, etc.

Forty-seventh. To establish, regulate and maintain a fire department, and to provide for the prevention and extinguishment of fires; to establish, organize, regulate and maintain all such fire-engine, hook and ladder, and hose and bucket companies as may be deemed necessary; to provide such companies with necessary Fire department.

Officers of fire
companies, etc.

and proper buildings, engines and other implements and things necessary to prevent and extinguish fires; to appoint from among the inhabitants of said village such number of men willing to accept as may be deemed necessary and proper to be employed as firemen, not exceeding one hundred for each company; and such fire, hose and hook and ladder companies shall each have the power to elect their own officers and to pass by-laws for the organization and government of their respective companies; and the members of the several companies shall, in joint convention, have the power to elect a chief and assistant chief engineer, subject to the approval of the common council, and may impose and collect fines for the non-attendance or neglect of duty of any of its members as may be established by the by-laws and regulations of each such company; and every person belonging to any of said companies may obtain from the recorder a certificate of such membership, which shall be evidence thereof; and the members of any such company, during their continuance as such, shall be exempt from all duty in the militia in time of peace, and also from serving on any jury in any of the courts of this State, or payment of poll-tax; and it shall be the duty of each of said companies to take reasonable care of the fire engines, hose carts, hose, ladders, buckets and other instruments and things used by said companies respectively, and in no case by wrongful act or neglect doing or permitting injury thereto; and upon any alarm or breaking out of any fire within said village, each company shall forthwith assemble at the place of said fire, with the engine or other implements of each of said companies, and be subject to the orders of the chief engineer of the fire department; and it shall be the duty of each of said companies to assemble once in each month, or as often as may be directed by the common council, for the purpose of working or examining said engines and other implements with a view to their perfect order and repair and for practice;

Licensing
draymen, etc.

Forty-eighth, To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, private house, railroad or other place; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

Auctioneers,
etc.

Forty-ninth, To license and regulate auctioneers, hawkers, peddlers and pawnbrokers, to license and to regulate auctions, hawking, peddling and pawnbrokerage, to license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show-case, show stand or otherwise, in the public streets, lanes, alleys and public places;

Public
exhibitions.

Fiftieth, To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen and shows of any kind;

Fifty-first, To license, regulate, tax or prohibit and suppress pin alleys, ball alleys, billiard tables, bagatelle, pigeon hole or any other tables or implements kept or used for a similar purpose in any place of public resort;

Fifty-second, To regulate the keeping of hotels, taverns and other public houses, groceries, ordinaries, saloons and victualing and other houses or places for furnishing meals, food or drink; to regulate butchers; to license, regulate or suppress hucksters; to regulate the keepers of shops, stalls, booths or stands at markets or any other place in said village for the sale of any kind of meat, fish, poultry, vegetables, food and provisions; to regulate the measuring of wood, weighing of hay and gauging articles to be measured, inspected, weighed and gauged;

Fifty-third, To erect and provide for the erection of all needful buildings and offices for the use of the village or of its officers, and to control and regulate the same; to establish and maintain a prison in said village, where any person or persons, found violating any of the by-laws, ordinances or regulations of the village may be detained until they can be brought before some justice of the peace of the township of Lockport for trial, or where persons may be adjudged by any court of competent jurisdiction for the violation of any of the by-laws, ordinances or regulations of said village;

Fifty-fourth, To provide for the imprisonment and confinement in the prison of said village or in the common jail of St. Joseph county, at hard labor or otherwise, all persons liable to be imprisoned under this act or any ordinance of the common council, whenever convicted of a violation thereof by any court having jurisdiction of the same;

Fifty-fifth, To provide for the punishment of all offenders for violations of or offenses against this act or any ordinance of the common council, enacted under this or any other act of the legislature, by holding to bail for good behavior, by imposing a fine, penalties, forfeitures and costs, or by imprisonment in the common jail of St. Joseph county, or any prison in said village, in the discretion of the court or magistrate before whom a conviction may be had. If only a fine, penalty or forfeiture with the costs be imposed, the offender may be sentenced to be imprisoned until the payment thereof, for a term not exceeding three months. All punishments for offenses against the ordinances of the common council shall be prescribed in the ordinances creating or specifying the offense to be punished, and no penalty, fine or forfeiture shall exceed one hundred dollars, and no imprisonment shall exceed the period of three months.

Fifty-sixth, To provide for the employment of all persons confined for the non-payment of any fine, penalty, forfeiture or costs, or for any offense under this act, or any ordinance of the common council, in the common jail of St. Joseph county, or in the prison of said village at work or labor, either within or without the same, or upon the streets, lanes, alleys or public grounds of said village, or on any public work under the control of the common council;

to allow any person so confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work or labor, and to fix the value and rates of such work and labor;

Licenses. *Fifty-seventh.* To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and the ordinances of the common council; to direct the manner of issuing and registering the same and by what officer they shall be issued and revoked, and to prescribe the amount of money to be paid therefor to the village treasurer; but no license shall be granted for more than one year, nor shall the same be assignable;

Printing. *Fifty-eighth.* To provide for printing and publishing all matters required to be printed and published under this act, or by order of the common council, in such manner as the common council may prescribe;

**Purchase, etc.,
real estate.** *Fifty-ninth.* The common council shall have power by the vote of two-thirds of all the trustees elect, to purchase, hold or sell real estate for the use of said village for corporate purposes; and also to purchase and control land for cemetery purposes, either within or without the corporate limits of said village, and to have and exercise the same power and control over the same as though the same was within the limits of said village;

**Contracts for
lighting streets,
etc.** *Sixtieth.* The common council shall have power and are hereby authorized, at any time when they shall deem it for the best interests of said village, to enter into a contract or contracts with the lowest responsible bidder (who shall give security to their satisfaction) for the lighting of the avenues, streets, alleys, parks and other public places in said village with oil, gasoline, gas, electricity or any other illuminating fluid, substance or device for a period not exceeding five years: *Provided*, That before letting said contract they shall give at least ten days' notice of their intention so to do, and of the time and place of letting such contract or contracts, by publishing the same in the newspapers printed in said village: *And provided further*, That said council shall have the right to terminate such contract or contracts at any time after thirty days' notice, on failure of the party or parties entering into the same to carry out the terms on his, their or its part.

**Proviso as to
notice, etc.**

**Further
proviso as to
power to term-
inate contracts.**

This act is ordered to take immediate effect.
Approved May 24, 1887.

[No. 479.]

AN ACT to amend section one of act number three hundred and forty-nine of the local acts of eighteen hundred and seventy-five, entitled "An act to incorporate the village of Fremont in the county of Newaygo," approved April twenty-third, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.}
 section number one of act. number three hundred and forty-nine
 of the local acts of eighteen hundred and seventy-five, entitled
 "An act to incorporate the village of Fremont in the county of
 Newaygo," approved April twenty-three, eighteen hundred and
 seventy-five, as amended by the several acts amendatory thereof,
 be and the same is hereby amended so as to read as follows :

SECTION 1. *The People of the State of Michigan enact, That* ^{Territory re-incorporated.}
 all the following described territory situated in the townships of
 Dayton and Sheridan, in said county of Newaygo, to wit: All
 that territory bounded by a line commencing at the northwest
 corner of section two in township number twelve north, of range
 number fourteen west, and running thence south to a point on the
 north shore of Fremont lake at high water mark, thence westerly,
 southwesterly, southerly, southeasterly, easterly, northeasterly,
 northwesterly, northerly and northwesterly, round the shore of
 said lake at high water mark, including the whole of said lake
 within high water mark, to a point on said shore forty rods south-
 easterly from the point where the first line above mentioned run-
 ning south touches the shore of said lake at high water mark;
 thence north to the present southern boundary of the village of
 Fremont, thence east along said southern boundary line to a point
 eighty rods east of the east line of said section two, thence north
 one hundred and seventy-six rods, thence west four hundred rods;
 and also the following, to wit: Commencing at the southwest
 corner of section thirty-five, in township number thirteen north,
 of range fourteen west, and running thence north one hundred
 and sixty rods, thence east four hundred rods, thence south one
 hundred and sixty rods, thence west four hundred rods to the
 place of beginning, embracing the following described territory,
 to wit: The north one-half of section two, also sixteen rods off
 the north side of the south half of section two, also the west half
 of the northwest quarter of section one, and also sixteen rods off
 the north side of the northwest quarter of the southwest quarter
 of section one, also that part of lot one covered by the above
 description and all of said Fremont lake within high water mark,
 all in township number twelve north, of range fourteen west; also
 the south half of section thirty-five and the west one-half of the
 southwest quarter of section thirty-six, in township number
 thirteen north, of range fourteen west, be and the same is hereby
 set off from the townships of Dayton and Sheridan in said county
 of Newaygo, and is hereby re-incorporated and declared to be a
 village corporate by the name of the village of Fremont, by which
 name it shall hereafter be known.

This act is ordered to take immediate effect.

Approved May 24, 1887.

[No. 480.]

AN ACT to authorize the board of supervisors of the county of Houghton in this State to borrow money upon the bonds of said county, for the purpose of constructing a free bridge across Portage lake in said county.

Authorized to borrow money.	SECTION 1. <i>The People of the State of Michigan enact</i> , That the board of supervisors of the county of Houghton in this State, be and are hereby authorized and empowered to borrow, on the faith and credit of said county, and to execute the coupon bonds therefor in such form as said board shall determine, the sum of not more than forty-five thousand dollars, and to make the same payable in such sums and at such times as to said board of supervisors shall appear to be for the best interests of the county, at a rate of interest not exceeding seven per cent per annum, interest payable annually; said bonds and coupons to be signed by the chairman and clerk of said board of supervisors: <i>Provided</i> , That the board of supervisors of said county, at any time after the expiration of five years from the date of said loan, may call in for payment any or all of said bonds remaining unpaid, and that upon the issuance of such call interest upon the bond or bonds so called in for payment shall cease.
Proviso as to paying bonds.	
How money to be expended.	SEC. 2. Any money borrowed under the provisions of this act shall be expended in the construction of a free bridge across Portage lake, in said county of Houghton, or the purchase of any bridge constructed and in use across said lake, and the payment of the necessary expense incident to the issue of said bonds, and for no other purpose whatever.
Electors to determine.	SEC. 3. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said county, voting at any general spring or fall election, shall so determine; and the said board of supervisors is hereby authorized and empowered to determine at what general spring or fall election the question of said loan shall be submitted to the qualified electors of said county of Houghton, and they shall cause notice thereof to be given in like manner as notice is required to be given of a special election under the provisions of section four hundred and ninety-two of Howell's Annotated Statutes. The vote upon such proposition shall be by ballot. Each person voting in favor of such proposition shall have written or printed or partly written and partly printed on his ballot the words: "For the bridge loan;" and each person voting against such proposition shall have written or printed or partly written and partly printed on his ballot the words: "Against the bridge loan." It shall be the duty of the sheriff of said county of Houghton to provide for each polling place in the county a sufficient number of ballots both for and against such proposition. The election shall be conducted and the votes canvassed in all respects as in elections for county officers, and immediately upon the conclusion of such canvass the inspectors of election in each voting precinct
Supervisors to submit questions at general election.	
Vote, form of.	
Election, how conducted.	

of said county shall make out and sign two certificates in duplicate showing the whole number of votes cast upon said proposition and the number of votes cast for and against respectively, one of which duplicate certificates shall be filed with the clerk of the township in which such election is held, and the other with the clerk of said county of Houghton. The said board of supervisors, at their next annual meeting after such election, shall, for the purpose of canvassing and ascertaining the result of such election, examine the certificates filed in accordance with the provisions of this section with the county clerk, and shall determine the result of such election, which said determination shall be spread upon the minutes of said board of supervisors. Canvass.

SEC. 4. The said board of supervisors are hereby authorized and empowered to construct said bridge or purchase any bridge constructed and in use across said lake with the proceeds of said loan, and to maintain the same, at the expense of the county, free for the use of the public. Board of supervisors to maintain free bridge.

SEC. 5. Said board of supervisors are hereby authorized and empowered, in case it becomes necessary to acquire the title to any land to be used for butments [abutments] or approaches to said bridge, and no agreement can be made with the owner or owners thereof, to institute proceedings to condemn the same, and like proceedings shall be had and taken in the name of said board of supervisors as is provided in an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighteenth, eighteen hundred and fifty-one, and the acts amendatory thereto. Acquiring title to lands for approach, etc.

Approved May 24, 1887.

[No. 481.]

AN ACT granting the common council of the city of Kalamazoo power to vacate streets and alleys within the corporate limits of said city.

SECTION 1. *The People of the State of Michigan enact,* That the common council of the city of Kalamazoo be and the same is hereby empowered and authorized to vacate streets and alleys within the corporate limits of said city, whenever said council may deem it a public benefit or a necessity so to do. Common council authorized to vacate streets and alleys.

This act is ordered to take immediate effect.

Approved May 27, 1887.

[No. 482.]

AN ACT to amend the title of act numbered three hundred and seventy-nine of the local acts of the Legislature of the State of Michigan for the year eighteen hundred and eighty-five, and to amend section two of said act, being an act entitled "An act to authorize the county of Bay to buy and maintain or build a bridge across the Saginaw river."

Title amended.

SECTION 1. *The People of the State of Michigan enact*, That the title of act number three hundred and seventy-nine of the local acts of the Legislature of this State for the year eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows: "An act to authorize the county of Bay to buy, maintain and build a bridge across the Saginaw river," and that section two of said act be and the same is hereby amended so as to read as follows:

Section amended.

Amounts to be raised.

SEC. 2. The amount to be raised for the purchase of said bridge shall not exceed the sum of seven thousand dollars, and the amount to be raised for the construction of the new bridge aforesaid shall not exceed the sum of twenty thousand dollars.

This act is ordered to take immediate effect.

Approved May 27, 1887.

[No. 483.]

AN ACT to provide for laying out and establishing a State road in Bay county, to be known as "The Bay City and Au Sable State road extension."

Route described.

SECTION 1. *The People of the State of Michigan enact*, That there shall be laid out and established by the board of supervisors of Bay county a State road sixty-six feet in width, and commencing at the terminus of the stone road on the Bay City and Au Sable State road, and running thence northerly as nearly parallel as possible to the Mackinaw division of the Michigan Central railroad to a point where the Bay City and Au Sable State road intersects lot two in section thirty-six, town fifteen north, of range four east, said road to be known as "The Bay City and Au Sable State road extension."

This act is ordered to take immediate effect.

Approved May 27, 1887.

[No. 484.]

AN ACT to authorize and empower the president and trustees of the village of Sangatuck to vacate the public square, so called, in said village.

SECTION 1. *The People of the State of Michigan enact*, That

the president and trustees of the village of Saugatuck be and are hereby authorized and empowered to vacate the public square, so called, in said village, or so much thereof as they may deem proper, by ordinance duly passed for the purpose: *Provided*, That before the passage of such ordinance a majority of the electors of said village, on the question of said vacation being duly submitted to them at a general or special election, shall vote in favor thereof.

Village board
empowered to
vacate public
square.

Proviso.

This act is ordered to take immediate effect.

Approved May 31, 1887.

[No. 485.]

AN ACT to amend sections twenty-three, twenty-four, twenty-eight, forty-seven, fifty-seven, eighty-seven, ninety-two, ninety-six, ninety-nine and one hundred and one of act number two hundred and nineteen of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred and seventy-three, and all acts and parts of acts amendatory of said sections, and to add thereto five new sections to stand as sections one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven and one hundred and twelve.

SECTION 1. *The People of the State of Michigan enact*, That sections twenty-three, twenty-four, twenty-eight, forty-seven, fifty-seven, eighty-seven, ninety-two, ninety-six, ninety-nine and one hundred and one of act number two hundred and nineteen of the session laws of eighteen hundred and seventy-three, entitled "An act to incorporate the city of Ionia," approved March twenty-one, eighteen hundred and seventy-three, and all acts and parts of acts amendatory of said sections be and the same are hereby amended so as to read as follows, also that five new sections be added to stand as sections one hundred and eight, one hundred and nine, one hundred and ten, one hundred and eleven and one hundred and twelve.

Sections
amended.

Sections added.

SEC. 23. At the meetings of the common council each member shall have one vote, except the mayor, who, in case there shall be a tie, shall give the casting vote: *Provided*, That no ordinance or resolution passed by the common council authorizing any public improvement or for or concerning the same, or for the payment of money by the treasurer, or creation of an indebtedness or liability against the city, shall have any force or effect, if, on the day of its passage or on the next day thereafter, the mayor, or other officer legally discharging the duties of mayor shall lodge in the office of the city clerk a notice in writing suspending the immediate operation of such ordinance or resolution. If the mayor or other officer, legally exercising the office or duties of mayor shall, within twenty-four hours after the passage

Mayor to have
casting vote.

Proviso as to
objections of
mayor to
ordinances, etc.

Ordinances objected to not to go into effect except by two-thirds vote.	of such ordinance or resolution, lodge in the office of the city clerk his reasons in writing why the same should not go into effect, the same shall not go into effect, nor have any legal operation, unless it shall, at a subsequent meeting of the common council, be passed by a two-thirds majority of all the members of the common council then in office, exclusive of the mayor or other officer legally discharging the duties of mayor, and if so re-passed shall go into effect according to the terms thereof. If such reasons in writing shall not be lodged with the clerk, as above provided, such ordinance or resolution shall have the same operation and effect as if no notice suspending the same had been lodged with the city clerk, and no ordinance or resolution of the common council for any of the purposes mentioned in this section shall go into operation until the expiration of twenty-four hours after its passage. It shall be the duty of the city clerk to present to the common council at the next meeting thereof any paper that may be lodged with him, pursuant to the provisions of this section.
Effect of not filing objections by mayor.	
Time of going into operation.	
Duty of clerk relative to objections.	
Meetings of the council and board of public works to be public.	SEC. 24. The sittings of the common council and of the board of public works shall be public. The minutes of the proceedings shall be open at all times for public inspection. There shall be elected by said common council, at its first meeting after any city election, a president <i>pro tempore</i> , who shall be one of the aldermen whose term of office shall first expire. In the absence or disability of the mayor, or in case of any vacancy in his office, the president <i>pro tempore</i> of the council shall perform the duties of mayor; but when acting as mayor he shall not have authority to give the casting vote in case of tie in the council.
President <i>pro tempore</i> of council.	
Power of council in regard to opening streets, etc.	SEC. 28. The common council shall have full power and authority to appropriate private property for public use for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places and spaces; and for the improvements of water courses; for sewers, drains and ditches; for water-works, for aqueducts, for laying water pipes, and for other works, and for necessary public buildings, hospitals, pest-houses and public cemeteries; but such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same and the just compensation to be made therefor shall be determined by a jury of twelve freeholders residing in the city; nor shall any improvement, requiring the taking of private property, be made except with the concurrence of two-thirds of all the aldermen elected to office. The council may, however, accept such property by donation or by deed for any of the above purposes:
Proceedings to take private property for public uses.	
Council to declare necessity for taking.	<i>First</i> , When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by donation, they shall proceed as follows: <i>First</i> , They shall so declare by resolution, describing the proposed improvement and each parcel of land designed to be

taken, by metes and bounds or other legal description, giving the names of the owners or persons interested therein, so far as known; and shall, in the same resolution, designate a justice of the peace of the city to whom an application will be made, at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land and the just compensation to be made therefor;

Contents of
resolution.

Second, Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with the said justice of the peace, and notice of the time and place of making said application, including a copy of said resolutions, shall be given by publishing the same for three consecutive weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application; and a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county at least three weeks before the time for said application, upon each owner and person interested in said lands, so far as known, and upon the guardian of any minor or incompetent person interested therein, if he is to be found within the city or elsewhere in the county; and if any such guardian, owner or person interested in the premises shall not be found within the city or county, a copy of said notice or resolution shall be posted upon the premises to be taken the same length of time before making the application. A return by the sheriff or city marshal of the service or posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before or at the time of making said application. And after the publication and service of said notice as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvements shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided;

Publishing
resolutions.

Copy to be
served on
owners, etc.

Return, etc.

Publication and
service of
notice to bind
owners, etc.

Third, At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall upon the application of the city attorney, cause the marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city competent to serve as jurors. From said list the city attorney shall strike off six names and the owner or owners or persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them, and thereupon said justice shall issue a *venire* directed to the city marshal or sheriff of the county, to summon the twelve persons whose names remain upon said list to appear before said justice at a time and place in said *venire* to be named, not less than three nor more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolution; and shall then adjourn the further proceedings in the matter to the return day of said *venire*. Said *venire* shall

Jury.

Venire.

How served.

Liability of jurors.

be served by the said city marshal or sheriff as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justice courts, and may be excused for the same causes as jurors in those courts;

How infants, etc., to be represented.

Fourth, At the time of making application to the justice for the impaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her appointed guardian, under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem* to protect the interest of the person for whom he is so appointed;

Completing panel.

Fifth, If, upon return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city until a panel of twelve qualified jurors shall be obtained. Each party and every person having an interest in any of the lands shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such jury shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and, if taken, to determine and award to each person entitled thereto, the just compensation to be allowed for his or her interest in the land so taken;

Oath of jurors.

Jury to have copy of resolution, maps, etc.

Sixth, When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries or legal description of each parcel of land sought to be taken, and its position in relation to adjoining lands; and any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in and a description of the property in respect to which he claims compensation, and a copy of same shall be delivered to the jury;

To examine premises and hear testimony.

Seventh, The jury shall then, or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony the justice shall instruct the jury as to the provisions of this chapter relating to their duties;

Determination of jury.

Eighth, The jury shall consider upon each parcel of land described in the resolution of the council separately. If they shall find it necessary to take the same for the purpose of said improvements, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken they shall estimate the whole damages occasioned

thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of ground or land as owners, mortgagees, lessees or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to the executor or administrator of his estate;

Award of damages and compensation and apportioning the same.

Ninth, The jury shall make a report of their determinations and awards in writing. They shall describe therein by metes and bounds, or other legal description, each piece or parcel of land which they shall find necessary to take for the purpose of said improvements, and state the whole amount of damages occasioned by taking the same, the amount deducted therefrom, if any, for the special benefits resulting from the improvements to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner, and of any persons having separate claims thereon by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each and the date and description of any mortgage, lease or lien by virtue of which such claim is made. When any conflicting claims are made, relating to any damages awarded, the jury, without deciding between the claimants, shall report the fact, their names and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury;

Report of jury. What to contain, etc.

When to be made.

Tenth, The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report and all the proceedings had in the case before him in his docket;

City attorney to assist jury. Justice to enter proceedings in docket.

Eleventh, A disagreement of the jury as to one or more distinct parcels of land shall not affect the awards and reports in respect to those in which they have agreed; and upon such disagreement the justice may, upon the motion of the city attorney, impanel a new jury in the same manner as provided for drawing the original jury; and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; and a new jury may, in like manner, be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel;

New jury to be impaneled in case of disagreement.

Twelfth, Upon filing the report and award made by any jury with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter, and within forty days after the impaneling of the jury making the report, the justice, upon application of the city council, shall

Judgment of confirmation.

Judgment final
when not
appealed from,
etc.

Appeals, how
made.

Bill of excep-
tions, etc.

Return to
appeal.

Proceedings on
appeal in circuit
court.

enter judgment of confirmation of the determination and awards therein made; unless such application and confirmation shall be made within said forty days, all proceedings upon that report and award shall be at an end, and a new jury and a new proceedings may be had, as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section;

Thirteenth, Any party aggrieved by the judgment of confirmation mentioned in the preceding sub-section may, within ten days after the entry thereof, appeal therefrom to the circuit court of the county, by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and of his objections, if any, to the amount of damages awarded; and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, and conditioned that he will prosecute his appeal to effect and pay any costs that may be awarded against him in the circuit court, and paying the justice the sum of three dollars for making his return to the appeal;

Fourteenth, At the time of filing said claim of appeal the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected, according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the report of the jury and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of the circuit court;

Fifteenth, Upon filing the return of the justice as mentioned in the preceding section, the circuit court shall have jurisdiction of the case, and, upon hearing thereof, shall first consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof, the court shall remand the case as far as affects the appellant, to said justice, and a new jury may be called and like proceedings be had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings the parties may proceed to trial by jury at the same term, upon

the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who do not appeal;

Sixteenth, Upon any dismissal of the appeal, or rendition of judgment after trial in the circuit court, said court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council; and unless the appellant shall recover judgment for at least ten dollars more than the amount awarded to him before the justice, he shall pay costs to the city; otherwise, the court shall award such costs to him as shall be just;

Court to confirm proceedings of city, etc.

Costs.

Seventeenth, Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and record of such copies made in the book of street records in the office of city clerk, shall be presumptive evidence of the matters therein contained and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same;

Certified copies of judgments, etc., to be evidence, etc.

Eighteenth, Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them as finally confirmed. And in case any such person shall refuse the same, be unknown, or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the person or persons entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or of taking possession of any property, shall be occasioned by any doubts as to the ownership of the property, or as to the interest of the respective parties making claims thereto;

Payment of awards.

Delay, etc., not to be occasioned by doubt, etc.

Nineteenth, Upon the payment, tender, or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances, and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the city treasurer of such payment, tender, or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated and of the ownership of the city in the lands and property taken;

When ownership of lands to vest in city.

Twentieth, In all cases where any real estate, subject to a lease or agreement, shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation

When real estate subject to lease, etc.

by the justice, when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Assessments on
abutting lands
for public im-
provements.

SEC. 47. Whenever under the provisions of this act the costs or expenses of any local or public improvement are to be defrayed in whole or in part by special assessment upon lands abutting upon, and adjacent to, or otherwise benefited by such improvements, such assessments [assessment] shall be made as herein provided:

How made.

First, There shall be a board of assessors to be appointed by the council, consisting of the city surveyor and two other members, who shall be freeholders and electors in the city. Their compensations shall be prescribed by the council. Special assessments authorized by this act shall be made by such board. If a member of the board shall be interested in any special assessment directed by the council, they shall appoint some other person to act in his stead in making the assessment who, for the purposes of that assessment, shall be a member of the board;

Proceedings of
council in case
of special
assessments.

Second, When the council shall determine to make any public improvement or repairs, the costs and expense of which thereof are to be paid by special assessment, they shall so declare by resolution, stating the improvement and what part or proportion of the expense thereof shall be paid by such special assessment, and what part, if any, must be paid from the general funds of the city; and shall designate the district or lands and premises upon which the special assessment shall be levied;

Idem as to
estimates, etc.

Third, Before ordering any public improvements or repairs, any part of the cost and expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be procured, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and deposit the same with the city clerk for public examination; and they shall give notice thereof and of the public improvement or work, and of the districts to be assessed, by publication thereof at least two consecutive weeks in one of the newspapers of the city, and of the time when the council will meet and consider any objections thereto; but, unless a majority of the persons to be assessed shall petition therefor, no such improvements or work shall be ordered except by a concurrence of two-thirds of the aldermen elect, and except for paving Main street in said city from the west line of Dexter street to the east line of alley joining Presbyterian church, in which case a majority vote of the aldermen elect shall alone be necessary, and without any application from the property owners along said Main street;

Objections to.

Two-thirds vote
necessary to
order improve-
ments.
Exception.

Cost of im-
provements,
what to include.

Fourth, The cost or expense for any improvement which is to be defrayed out of the general fund of said city shall include the cost for surveys, plans and estimates for the same;

Assessments
pro rata to be
made by
assessors.

Fifth, When any special assessment is made *pro rata* upon the lots and premises in any special district, according to frontage or benefits, the council shall, by resolution, direct the same to be made by the assessors, and shall state therein the amount to be

assessed and whether according to frontage or benefits, and describe or designate the lots and premises or locality constituting the district to be assessed;

Sixth, Upon receiving such order and directions, the board of assessors shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed and the valuation thereof, with the names of the persons, if known, chargeable with the assessment thereon, and shall levy thereon and against such persons the amount to be assessed in the manner directed by the common council and the provisions of this act applicable to the assessment, and when such assessment is completed they shall report the same to the council;

Duty of board of assessors.

Seventh, If the assessment is required to be according to frontage, they shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless, on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, they shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement;

If assessment is to be according to frontage, etc.

According to benefits.

Eighth, When any expense shall be incurred by the city upon or in respect to any single or separate lot, parcel of land or premises which, by the provisions of this act, the council is authorized to charge and collect as special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, together with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person made chargeable therewith, shall be reported to the common council in such manner as the council may prescribe;

Special work done to be reported to council.

Ninth, The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient, they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the board of assessors for assessment;

Council to decide what amount to be assessed, etc.

Tenth, Upon receiving the report mentioned in the preceding section the board of assessors shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to them, and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such

Special assessment roll.

- lots or premises respectively, and when completed they shall report the assessment to the council;
- Adoption of special assessments.** *Eleventh,* When any special assessment shall be reported by the board of assessors to the council, as in this chapter directed, the same shall be filed in the office of the city clerk and numbered. Before adopting the assessment, the council shall cause notice to be published for at least two consecutive weeks, in some newspaper of the city, of the filing of the same with the city clerk, and appointing a time when the board of assessors and council will meet to review the assessment. Any person objecting to the assessment may file his objections thereto in writing with the city clerk;
- Review and confirmation of assessments, etc.** *Twelfth,* At the time appointed for that purpose, as aforesaid, the council and board of assessors shall meet, and there, or at some adjourned meeting, review the assessment; and the council shall correct the same if necessary and confirm it as reported or as corrected, or they may refer the assessment back to the board for revision, or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the city clerk shall endorse a certificate thereof upon the roll showing the date of confirmation;
- How confirmed and effect of.** *Thirteenth,* When any special assessment shall be confirmed by the council it shall be final and conclusive; but no such assessment shall be confirmed except by the concurrence of two-thirds of the aldermen elect;
- A lien.** *Fourteenth,* All special assessments shall be from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels assessed, and shall be a charge against the persons to whom assessed, until paid;
- When due.** *Fifteenth,* All special assessments shall be due and payable upon confirmation;
- Re-assessments.** *Sixteenth,* Whenever any special assessment shall, in the opinion of the council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied;
- Impairment of lien.** *Seventeenth,* No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by

a regular mode of proceedings might have been lawfully assessed thereon;

Eighteenth, Whenever any special assessment shall be confirmed and be payable, the council may direct the city clerk to report to the supervisor of each ward in which any of the lots and premises assessed in the special assessment roll are located, a description of such lots and premises as contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and requiring said supervisor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report the supervisor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax, in the ward tax-roll next thereafter, to be made into a column for special assessments, and thereupon the amounts so levied in said ward tax-roll shall be collected and enforced with the other taxes in the ward tax-roll, and in the same manner, and shall continue to be a lien upon the premises assessed until paid; and when collected shall be paid into the city treasury;

Duty of supervisor on receiving a list of lands, etc.

Nineteenth, When any special assessment shall be confirmed and be payable as herein before provided, the council, instead of requiring the assessments to be reported to the supervisor of the ward, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the city clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the city collector to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person, and to return said roll and warrant, together with his doings thereon, in sixty days of the date of such warrant;

Council may order direct collection.

Twentieth, Upon receiving said assessment roll and warrant, the city collector shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment within ten days after due the collector shall seize and levy upon any personal property, within the city or elsewhere within the county, belonging to such person and sell the same at public auction, first giving six days' notice of the time and place of such sale by such notices in three of the most public places in the city or township where such property may be found. The proceeds of that sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expense of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto;

Duty of city collector on receiving special roll.

Twenty-first, The city collector shall pay the moneys and all

Return, etc.

the percentage collected by him into the city treasury, and take the treasurer's receipt therefor, and file the same with the city clerk. He shall also make return of said assessment roll and warrant to the city clerk, according to the requirements of the warrant; and if any of the assessments in said roll shall be returned unpaid the collector shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which the assessments remain unpaid and the amount unpaid on each;

Renewal of
warrant.

Twenty-second. Said warrant may be renewed from time to time by the city clerk if the council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force and the city collector shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the city collector unpaid, as aforesaid, the same may be certified to the supervisor of the proper ward in the manner provided for in the subdivision twenty-four of this section, and shall then be re-assessed, with interest at the rate of ten per cent from the date of the confirmation of the assessment until the first day of February then next, in the next ward tax-roll, and be collected and paid in all respects as provided in subdivision twenty-four aforesaid;

Unpaid
assessments.

Collections by
suit.

Twenty-third. At any time after a special assessment has become payable and demand made therefor, and ten days have elapsed without payment thereof, the same may be collected by suit, in the name of the city, against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified order or resolution concerning the same shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment and of the right of the city to recover judgment therefor;

Judgment in
case of irregu-
larity of
assessment.

Twenty-fourth. If in any such action it shall appear that by reason of any irregularities or informality the assessment has not been properly made against the defendant or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

Additional
powers and
duties of council
to pass by-laws
relative to:

SEC. 57. The common council, in addition to the powers and duties specially conferred on them in this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to said city, and make such orders, by-laws and ordinances relating to the same as they shall deem proper and necessary; and further, that they shall have power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable within said city for the following purposes:

First, To prohibit, restrain, license or regulate the sale or exposing for sale by any person or persons of any goods, wares or merchandise on the public streets, lanes or alleys of said city, and to order and direct the means, method or device by which to attract attention to such sales when by said common council authorized; also to regulate sales of goods and merchandise by auction, and to determine the amount to be paid by auctioneers for license to so sell any such goods, wares or merchandise at auction within said city; Hawking,
peddling, etc.

Second, To prohibit, restrain and regulate all sports, exhibition of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses, menageries, shows or other public performances and exhibitions for money; exhibitions of agricultural or educational societies or associations and lectures on historic, literary, moral or scientific subjects excepted; Sports, shows,
etc.

Third, To prevent, prohibit, abate, suppress or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, slaughter-house, glue, starch or soap factory, tannery, stable, privy, hog-pen, sewer or any other offensive or unwholesome house or place, to cleanse, remove or abate the same from time to time, as often as they may deem necessary for the health, comfort and convenience or safety of the inhabitants of said city, and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same; Nuisances.

Fourth, To direct the location of all markets and buildings for storing gunpowder or other combustible or explosive substances or dangerous articles; to regulate the buying, keeping, carrying, selling and using gunpowder, fire-crackers or fire-works manufactured or prepared therefrom, and to prevent, prohibit and suppress the exhibition of fire-works, burning or explosion of fire-crackers, and the discharge of fire-arms within the limits of said city; and to prevent, prohibit and restrain the making of bonfires in streets and yards, and to regulate the use and kind of lights or lamps to be used in barns, stables and all buildings and establishments usually regarded as extra hazardous in respect to fire: Location of
markets using
combustibles,
etc.
Provided, That no slaughter-house shall be permitted within the city limits;

Fifth, To prohibit and prevent within certain limits in said city, to be determined by the common council, the location or construction of buildings for storing gunpowder, powder factories, tanneries, distilleries, buildings for the manufacture of turpentine, camphene and dangerous or explosive substances, soap, candle, starch and glue factories, establishments for steaming or rendering lard, tallow, offal and such other substances as can be rendered into tallow, lard or oil and all establishments where any nauseous, offensive or unwholesome business may be carried on; and such buildings, factories, shops and establishments as aforesaid, now or hereafter to be constructed in said city, together with blacksmith shops, foundries, cooper shops, steam boiler factories, carpenter shops, planing establishments, breweries and all buildings and Powder
factories,
tanneries, etc.

establishments usually regarded as extra hazardous in respect to fire, shall be subject to such regulations in relation to their construction and management as the common council may make with a view to the protection of any person or property from injury by fire, or of the preservation of the health and safety of the inhabitants of said city, and to prevent them from becoming in any way nuisances; to prevent injury or annoyance from anything dangerous, offensive, or unhealthy; to prohibit and remove anything tending to cause or promote disease;

Incumbering
streets, etc.

Sixth, To prevent the incumbering of streets, sidewalks, crosswalks, lanes, alleys, bridges or aqueducts, drains or ditches in any manner whatever;

Horse-racing,
etc.

Seventh, To require any horse, horses or mules attached to any vehicle, or standing in any of the streets, lanes or alleys in said city to be securely fastened, watched or held, and to prevent and punish horse-racing and immoderate driving or riding in any street or over any bridge and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street or over any bridge in said city;

Railroads, etc.

Eighth, To prescribe, regulate and restrain the use and speed of locomotives, engines and cars on railroads within the limits of said city, and to prohibit railroad cars from standing across or otherwise obstructing the streets thereof an unreasonable time, and to require and compel railroad companies using steam locomotives to keep flagmen or watchmen at any railroad crossings of streets that the common council may deem necessary, and to give warning of the approach and passage of trains thereat;

Bathing, etc.

Ninth, To prohibit or regulate bathing in any public water, or in any open or conspicuous place, or any indecent exposure of the person in the city, and to provide for the cleansing of any and all streams in said city;

Drunkards,
vagrants, etc.

Tenth, To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms;

Pounds.

Eleventh, To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding;

Dogs.

Twelfth, To prevent and regulate the running at large of dogs and to impose taxes on the owners of dogs;

Bringing un-
wholesome
substances into
city, etc.

Thirteenth, To prohibit any person from bringing or depositing within the limits of said city any dead carcasses or other unwholesome or offensive substances, and to require the removal or destruction thereof; if any person shall have on his premises such substances, or any putrid meats, fish, hides or skins of any kind, and on his default to authorize the removal or destruction thereof as a public nuisance by some officer of the city, and to punish the persons so occasioning such nuisances;

Clearing
sidewalks.

Fourteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, ice, dirt, wood, or obstructions;

Fifteenth, To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the streets; Ringing of bells.

Sixteenth, To appoint and prescribe the powers and duties of watchmen, and the fines and penalties for their delinquencies; Watchmen.

Seventeenth, To regulate and establish the line upon which buildings may be erected upon any street, lane, or alley in said city, and to prevent such buildings being erected nearer the street than such line, and to impose a fine upon any owner or builder violating this provision, not to exceed five hundred dollars; Building lines, etc.

Eighteenth, To prohibit and prevent the location or construction of any wooden or frame house, store, shop, or other building, and to prohibit and prevent the using or employing any wooden or combustible material for the roofing of any building on such streets, alleys and places, or within such limits in said city as the common council may from time to time prescribe; to prohibit and prevent the moving of wooden or frame buildings from any part of said city to any lot on such streets, alleys and places within said limits, and the rebuilding and repairing of wooden buildings on said streets, alleys, and places within said limits when damaged by fire or otherwise; Fire limits.

Nineteenth, To provide for obtaining, holding, regulating, and managing burial grounds within or without the city when established for the benefit thereof; to regulate the burial of the dead and to compel the keeping and return of bills of mortality; Burial grounds.

Twentieth, To establish, order, and regulate the markets; to regulate the vending of wood, hay, meat, vegetables, fruits, fish, and provisions of all kinds, and prescribe the time and place of selling the same, and the fees to be paid by butchers for license; to prohibit and prevent and suppress the sale of every kind of unsound, nauseous or unwholesome meat, poultry, fish, vegetables or other articles of food or provisions, and to punish all persons who shall knowingly sell the same or offer or keep the same for sale: *Provided,* That nothing herein contained shall authorize the common council to restrict in any way the sale of fresh and wholesome meats by the quarter, within the limits of the city; Regulating markets, etc.

Twenty-first, To establish, regulate, and preserve public reservoirs, wells, pen-stocks, and pumps, and to prevent the waste of water, to authorize and empower, under such regulations and upon such terms and conditions as they may choose, the laying of water pipes in the streets and alleys of the city for the purpose of supplying the inhabitants of said city with water; Reservoirs, water-works, etc.

Twenty-second, To prescribe rules to govern sextons and undertakers for burying the dead, cartmen and their carts, hackney carriages and their drivers, omnibuses and their drivers, scavengers, porters, and chimney sweeps, and their fees and compensation; to regulate and prevent auctions, peddling, hawking, pawnbrokerage, or using for hire carts, drays, hacks, or any kind of carriage or vehicle in the streets; to regulate and prevent Undertakers, cartmen, etc.

	runners, stage drivers, and others soliciting guests for hotels and passengers and others to ride or travel upon any railroad, street car, boat, omnibus, stage or any other kind of carriage or vehicle, or to go any otherwhere;
Lighting streets etc.	<i>Twenty-third</i> , To regulate the lighting of the streets and alleys, and the protection and safety of public lamps;
Numbering buildings.	<i>Twenty-fourth</i> , To provide for and regulate the numbering of the buildings upon the streets or alleys, and to compel the owners or occupants of buildings to affix numbers on the same;
Duties and compensation of officers, etc.	<i>Twenty-fifth</i> , To prescribe the duties of all officers appointed by the common council, and their compensation, and the penalty or penalties for failing to perform such duties; and to prescribe the bonds and sureties to be given by any and all officers of the city for the prompt, proper, and faithful discharge of their duties, and the time for executing the same in cases not otherwise provided for by law;
Salubrity of streams, etc.	<i>Twenty-sixth</i> , To preserve the salubrity of the streams within the limits of the city; to fill up all low grounds or lots covered or partially covered with water, or to drain the same, as they may deem expedient;
Stands for carriages, etc.	<i>Twenty-seventh</i> , To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fares [fare] and charges, and the stand or stands for wood, hay and produce exposed for sale in said city;
Census.	<i>Twenty-eighth</i> , To provide for taking a census of the inhabitants of said city whenever they may see fit, and to direct and regulate the same;
Grade, etc.	<i>Twenty-ninth</i> , To establish a grade for streets and sidewalks, and to cause the sidewalks to be constructed in accordance with the same; and shall have power by resolution or ordinance to grade, plank and construct sidewalks within said city, and to cause the expenses thereof to be assessed against the lots, tracts and premises in front of or adjoining which such sidewalks shall be so built, graded, planked or constructed;
Weights and measures.	<i>Thirtieth</i> , To prescribe the duties of sealer of weights and measures and the penalty for using false weights and measures, and all the laws of this State in relation to the sealing of weights and measures shall apply to said city, except as herein otherwise provided;
Gaming.	<i>Thirty-first</i> , To prohibit, restrain or prevent persons from gaming for money with cards, dice, billiards, nine or ten pin alleys, tables, ball alleys, wheels of fortune, boxes, machines, or other instruments or devices whatsoever, in any grocery, store, shop, or any other place in said city; to punish the persons keeping the building, instruments, or means for such gaming, and to compel the destruction of the same;
Solicitors, etc.	<i>Thirty-second</i> , To license and regulate solicitors of passengers or baggage for the benefit of any hotel, tavern, public house, boat or railroad; also draymen, common truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs,

express vehicles and vehicles of every description used and employed for hire, and to fix and regulate the amount and rates of their compensation;

Thirty-third, To license and regulate auctioneers, hawkers, peddlers and pawnbrokers, and regulate auctions, hawking, peddling, and pawnbrokerage; license and regulate the peddling and hawking of fruits, nuts, cakes, refreshments, jewelry, merchandise, goods and other property whatsoever, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets; Auctioneers, etc.

Thirty-fourth, To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies, of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations, concerts, musical entertainments, exhibitions of common showmen, and shows of any kind; Exhibition.

Thirty-fifth, To license and regulate the keeping of hotels, taverns and other public houses, and keeping of ordinaries, saloons and victualing and other houses and [or] places for furnishing meals, food or drink; and to regulate saloons selling intoxicating liquors; Hotels, saloons, etc.

Thirty-sixth, To tax and regulate keeping of billiard tables, pin alleys, nine or ten pin alleys, but not for the purpose of gaming; Billiard tables, etc.

Thirty-seventh, To provide for public parks and squares, make, grade, improve, and adorn the same, and all grounds in said city belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof; Parks, etc.

Thirty-eighth, To sell or otherwise provide for disposing of all dirt, filth, manure and cleanings lying in or gathered from highways, streets, avenues, lanes, alleys and public spaces, and all earth to be removed therefrom or from the public squares and grounds of said city in grading, paving, or otherwise improving the same; Disposition of dirt, etc.

Thirty-ninth, To establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, avenues, lanes, alleys and public places of said city, said [such] bridges, culverts, sewers, drains, and lateral drains and sewers, and to establish such a system of sewerage for said city as the common council may see fit, with a view to the proper drainage and sewerage of said city; to compel the owners or occupants of all occupied lots, premises, and subdivisions thereof, within said city, to construct private drains and sewers therefrom to connect with some public sewer or drain; said private drains and sewers shall be constructed in such manner and of such form and dimensions, and under such regulations as the common council shall prescribe; Bridges, drains, etc.

Fortieth, To assess, levy, and collect an annual assessment or tax on the real and personal property of said city, for the purpose of cleansing and keeping in repair the public sewers of said city; Sewer tax.

Forty-first, To establish a fire department, to provide for the prevention and extinguishment of fires, and to establish, organize and regulate fire companies in the manner and under such regulations as the common council may prescribe; Fire department.

Fences, walls,
chimneys, etc.

Forty-second, To regulate the construction of fences on the lines of streets and alleys, and of partition and parapet walls, the walls of buildings, the thickness of walls, to regulate the construction of chimneys, hearths, fire-places, fire-arches, ovens, and the putting up of stoves, stove-pipes, kettles, boilers or any structure or apparatus that may be dangerous in causing or promoting fires; to prohibit and prevent the burning out of chimneys and chimney flues; to compel and regulate the cleaning thereof and fix the fees therefor; to compel and regulate the construction of ash-houses or deposits for ashes; to compel the owners of houses and other buildings to have scuttles on [upon] the roofs thereof and stairs or ladders leading to the same; to appoint one or more officers to enter into all buildings and enclosures to discover whether the same are in a dangerous state, and to cause such as are in a dangerous state to be put in a safe condition; to authorize any of the officers of the city, to keep away from the vicinity of fires all idle or suspicious persons, and to compel all officers of the city and other persons to aid in the extinguishment of fires and in the preservation of property exposed to danger therefrom;

Examination of
buildings, etc.

Fires.

Licenses.

Forty-third, To authorize the granting, issuing and revoking of licenses in all cases where licenses may be granted and issued under this act and ordinances of the common council; to direct the manner of issuing and registering the same, and by what officer they shall be issued or revoked, and to prescribe the sum of money to be paid therefor into the treasury of the corporation. No license shall be granted for more than one year; and the common council may prescribe by by-law, ordinance or resolution that before the issuing thereof the person receiving the same shall execute a bond to the corporation in such sum as the common council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter of the corporation and the ordinances of the common council, and otherwise conditioned as the common council may prescribe. The officer authorized to issue said license may inquire into the sufficiency of the sureties in such bond by an examination under oath as to their property and responsibility, which oath may be administered by such officer.

Damaging
water-works,
etc.

SEC. 87. If any person shall, without the authority of the said common council or its proper agents, perforate or bore, or cause to be perforated or bored any distributing pipe, main or log, or aqueduct belonging to said water-works, or cause to be made any communication or connection with said pipes, aqueducts or logs, or meddle with or move the same, or any machinery, apparatus, or fixtures connected with said water-works, or take down or deface any of the notices provided for in the last section, or cause the same to be done, the person so offending shall, on conviction, be punished by a fine not exceeding one hundred dollars and cost of the prosecution, or be sentenced to imprisonment in the county jail not to exceed ninety days, or both in the discretion of the court. Any person who shall willfully break any inlet pipe, main distributing pipe, log, or aqueduct used for

Damaging inlet
pipes, etc., a
misdemeanor.

conducting said water, or shall dig into or break up any reservoir filled or partially filled with water, or shall break or injure any pumping engine or any part thereof, or any of the machinery connected therewith belonging to said water-works, or cause any of said acts to be done, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars and the costs of the prosecution, or by imprisonment in the county jail not exceeding ninety days. In all cases of conviction of offenses against the provisions of this section, on payment of the fine to the court before whom such conviction may be had, such fine shall be paid over to the treasurer of said city for the uses of said city.

Punishment
for.

Disposition of
fines under this
section.

SEC. 92. The board of public works shall have the management and control of the water-works of the city; they shall have authority to and may lay down, repair and maintain, and do all things necessary to the laying down, repairing and maintaining of water-works, water mains and pipes beneath, and through and along the streets, lanes and alleys, and into the public places of said city, and for the purpose of supplying water for public and private use. They shall also have the exclusive superintendence and management in the erection, repairing and maintaining of all the public buildings in said city, and in the construction, maintaining and repairing of all sewers that may be required in said city. In cases of necessary repairs of said water-works, mains, pipes, buildings and sewers, they shall cause the same to be made as soon as may be, when required, at the expense of said city, rendering to the common council the actual cost of the same, which shall be paid out of the funds of the city, upon order of the common council. They shall also have authority to and may appoint such officers and agents under them as may be necessary for the management of said works and oversight of said sewers and public buildings, and define and fix the duties and compensation of such officers, subject, however, to the approval of the common council, as to the compensation they shall receive.

Board of public
works to have
charge of water-
works, erection
of public build-
ings, etc.

May appoint
overseers, etc.

SEC. 96. Whenever the common council deem it necessary and expedient to form sewer districts and construct sewers, they shall do so in same manner and under same provisions as are contained in section twenty-eight of this act.

Formation of
sewer districts.

SEC. 99. The board of public works shall annually, and in the month of April, fix the water rates for the ensuing year, and determine how and when they shall be paid. Such rates shall be based as near as may be upon the amount of water used. On the second Tuesday after the first Monday in each year, said board shall elect a water commissioner who shall hold his office for one year, unless sooner removed by said board. They shall also fix and determine the compensation of such commissioner; but subject, however, to the approval of said common council. In case any person or persons from whom water rates are due and unpaid shall not pay the same at the time and place specified by the board of public works, collection of the same may be enforced by

Board of public
works to fix
water rates.

Board to elect
water com-
missioner, etc.

Collection of
water rates.

an action of assumpsit on the common counts, and in the name of the city of Ionia, before any court of competent jurisdiction; and the water commissioner, upon order of the board of public works, shall shut off the water to such delinquent rate-payer, until said rates so due and unpaid shall have been paid with all costs, in case suit has been commenced against them.

Board of public works to prepare certain estimates, etc.

SEC. 101. The board of public works shall in each year, on or before the 20th day of April, or as soon thereafter as may be convenient, carefully prepare estimates of the amount of money that will be required by them for the maintaining of the water-works and sewers during the ensuing year, and submit the same to the common council for their action thereon.

Repairs, etc., to streets.

SEC. 108. In all cases when any repairs or improvements are to be made to any street in said city, which shall exceed in the cost or expense therefor the sum of fifty dollars, it shall be the duty of the common council to direct and order such officer as may have the superintendence of the streets of said city to advertise, as said council may direct, for bids for the making of said repairs or said improvements, and by such officer to contract for the making of such repairs or improvements with the person or persons who may make the lowest bid therefor which may be acceptable to said council; and said council may require the contracting party to give security for the faithful performance of the contract upon his or their part according to the terms thereof.

Cost of sewers, how collected.

SEC. 109. The actual cost and expense of constructing sewers in said city shall be collected by taxes levied therefor as follows, that is to say: For all main sewers in said city, by general tax upon all the taxable real estate in said city; for lateral sewers, by tax upon the taxable real estate within that particular sewer district into or through which such lateral sewer shall be constructed; and for all branch sewers by tax levied upon the taxable real estate for the immediate benefit of which it has been constructed; but in no case shall a tax for any sewer be assessed upon or levied against any property within said city or be collected until the cost or expense therefor has been ascertained by the board of public works; and in all cases where specific taxation is to be levied to defray the expense of any public improvement or work in said city, which has been performed under contract therefor, such specific tax shall not be assessed, levied or collected for a greater amount than the contract price for the performance or making of such improvements or work.

Pavements.

Taxes for, may be specific.

SEC. 110. The common council shall have authority to lay down and maintain pavements of any street or streets in said city, and to levy and collect, as hereinafter mentioned, by taxation, such sums of money as may be necessary to pay the cost of the same, which taxes shall be specific and have no reference to nor be limited by the general taxation otherwise provided for by the charter of said city; and said specific taxation shall be assessed at such times and for such amounts and only against such real estate as is by this section made chargeable therewith. In all cases

when any parcel of real estate shall adjoin or be in part bounded by one or more streets which said council may determine to have paved, said parcel of land shall be liable for the expense of laying down that pavement upon any street upon which it may front, according to the extent of its frontage upon said street; and for each lineal foot of such frontage extending to the middle of said street; but said council shall not have the authority to lay down any pavement that shall exceed in the cost therefor of three dollars and fifty cents per each lineal foot therefor: *Provided, however,* That when any street shall have been once so paved and any parcel of real estate shall have been taxed therefor, which tax has been paid, such parcel shall thereafter not be liable for any portion of the expense of keeping said pavement in repair; but the expense of keeping said pavement in repair shall be met out of the general fund of said city: *And provided further,* That when any land has been once taxed for the laying down of new pavement of the street or streets upon which it may front, then thereafter, for a new re-paving of said street or streets, said land shall be liable to be again taxed to the extent of only one-half of the cost of such re-paving; but when the common council shall have determined to pave any street or streets, the expense of establishing and preparing the grade thereof for such paving, and for curbstones between the paved portions of such street or streets and the sidewalks thereof, and for paving the crossings of any other street or streets, shall be at the general expense of said city.

Limit of cost of pavement.

Proviso as to repairs, etc.

Further proviso as to repaving.

SEC. 111. It shall be the duty of the common council to establish and maintain in said city sewerage districts and pavement districts, which shall be of equal area as near as may be, having reference to the natural facilities for sewerage, in case [cases] of sewers, and to uniformity of pavements, in cases of streets; but no lateral or main sewer shall be laid down or constructed under or along any lane or alley in said city between Depot street and Dexter street therein.

Sewer and pavement districts.

SEC. 112. When the common council shall determine to construct any public building for said city or any main or lateral sewer, or to extend the water facilities of said city, it shall be the duty of the board of public works to cause plans, specifications and estimates of the proposed work [works] to be made, and to publicly advertise in one or more of the newspapers printed and published in said city, for at least three consecutive weeks, for bids to perform such work; which bids when received by them, shall be opened by them and considered; and said board shall forthwith thereafter return to the common council, by filing with the city clerk, the lowest responsible bid they have received for the performance of such work; and in all cases when no responsible bid shall have been received they shall, for the same length of time, advertise again for bids for the performance of said work; and when such a bid has been by said board received they shall report the same to the common council, and file such bid with the city clerk, and the contract for the performance of such work shall be made with the person or those persons who offered said bid; but

Board of public works to make plans and submit estimates, etc.

To advertise for bids.

To report lowest bid to council.

Security on
contracts.

security for the faithful performance of such work by the contracting party, and for the payment of the wages of his employées engaged and material used in the performance of said work, shall be given to the satisfaction of the board of public works.

This act is ordered to take immediate effect.

Approved May 31, 1887.

[No. 486.]

AN ACT to attach certain lands in the county of Houghton to the township of Portage in said county.

Territory
described.

SECTION 1. *The People of the State of Michigan enact*, That the lots, tracts or parcels of land [situate] in the county of Houghton hereinafter described, to wit: All those lots or parcels of land lying east and south of Sturgeon river in section number thirty-six; all those lots or parcels of land lying east of Sturgeon river in section number one; and all those lots or parcels of land lying west of Sturgeon river in section number twelve; all in township number fifty-two north, of range number thirty-four west, be and the same are hereby attached to the township of Portage in said county.

This act is ordered to take immediate effect.

Approved May 31, 1887.

[No. 487.]

AN ACT to legalize the proceedings had in laying out and completing a certain ditch or drain in the township of Leroy, in the county of Ingham, and to legalize the tax therefor.

Proceedings
legalized.

Taxes declared
legal, etc.

Proviso exempt-
ing State lands.

SECTION 1. *The People of the State of Michigan enact*, That all the proceedings had in the laying out, establishment and construction of a certain ditch or drain in the township of Leroy, in the county of Ingham, described and known as the "Kalamink drain," are hereby declared to be legalized, and the taxes assessed upon the rolls of said township of Leroy for the year eighteen hundred and eighty-three, for the construction of such ditch or drain, are hereby declared to be a legal and valid lien upon the property assessed for the full amount of said taxes, as though the proceedings heretofore had were regular in every particular; and all orders drawn by the commissioner who caused said drain to be constructed shall be payable on demand, out of any moneys in the hands of the township treasurer, at any time, from said taxes: *Provided*, That all lands belonging to the State of Michigan are hereby exempted and released from taxation for the construction of said drain.

This act is ordered to take immediate effect.

Approved May 31, 1887.

[No. 488.]

AN ACT to amend sections thirteen and sixteen of chapter three; sections one, two, four, eighteen, twenty-two, twenty-four, twenty-five and thirty-three of chapter four; section [sections] two, three and four of chapter five; section one of chapter six; section [sections] one, eight, nine, thirteen, fifteen, seventeen, twenty-one, twenty-five and sixty-five of chapter seven; section one of chapter eight; sections nine, twenty, twenty-four and twenty-eight of chapter eleven; and to repeal sections two, three, four, five, six, seven and sixty-six of chapter seven; and sections two and three of chapter eight, of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, and to add to chapter eight of said act, four new sections to stand as sections two, three, four and five, so as to abolish the board of councilmen and to establish a board of estimates in and for the city of Detroit.

SECTION 1. *The People of the State of Michigan enact*, That sections thirteen and sixteen of chapter three; sections one, two, four, eighteen, twenty-two, twenty-four, twenty-five and thirty-three of chapter four; sections two, three and four of chapter five; section one of chapter six; sections one, eight, nine, thirteen, fifteen, seventeen, twenty-one, twenty-five and sixty-five of chapter seven; section one of chapter eight; and sections nine, twenty, twenty-four and twenty-eight of chapter eleven of an act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows: Sections amended.

CHAPTER III.

CITY ELECTIONS.

SEC. 13. Special elections shall be conducted as near as may be in the same manner as general elections, but in such cases the returns of the inspectors shall be opened and canvassed, and the result declared by the common council at a session to be held for that purpose on the Saturday next after the election, at three o'clock in the afternoon. Conduct of special elections.

SEC. 16. When two or more persons shall have an equal number of votes for the same office, the election shall be determined by the drawing of lots in the presence of the common council. The name of each of such persons shall be written on separate slips of paper, and each slip deposited in a box or other proper place, and the president of the common council shall draw out of said box or other place, in the usual manner of determining by In case of tie vote.

lot, one of said slips, and the person whose name is thereon shall be deemed entitled to hold the office for which he received said votes in the same manner as other officers duly elected.

CHAPTER IV.

OFFICERS, WHO ELECTED OR APPOINTED, QUALIFICATIONS, BONDS,
OFFICIAL TERMS, REMOVAL, VACANCIES, ETC.

Elective
officers, terms
of office of, etc.

SECTION 1. There shall be elected at the annual city election, by the duly qualified electors of the whole city, the following officers of the corporation on a general city ticket, viz: A mayor and city attorney, who shall hold their office [offices] for the term of two years, and a city clerk, who shall hold his office for the term of two years, beginning on the second Tuesday of January next succeeding their election, and a treasurer, whose term of office shall be two years, beginning on the first day of July next succeeding his election. There shall be elected at the spring election in every alternate year, six school inspectors, to hold office for four years, beginning on the first day of July following their election. There shall be four justices of the peace in and for said city, who shall hold their offices, possess the same jurisdiction and powers, subject to the act of the legislature establishing a police court of the city of Detroit, and be subject to the same duties and liabilities as provided by the general laws of this State, or any special act of the legislature relating to justices of the peace. At said annual election one alderman and one constable shall be elected in each ward, the former for a term of two years and the latter for a term of one year from the second Tuesday of January next succeeding such election. There shall be elected a recorder as hereinafter provided.

Officers ap-
pointed on
nomination of
mayor, term of
office of, etc.

Proviso.

SEC. 2. The following officers shall be appointed by the common council on the nomination of the mayor, viz: A controller, three city assessors, who shall be known as the board of assessors, a receiver of taxes and a city counsellor who shall be a practicing attorney, and whose term and duties of office and compensation shall be prescribed by the common council, who shall hold their office [offices] for the term of three years, respectively, beginning on the first day of July in each case: *Provided*, That the board of assessors shall be non-partisan, and the first three shall be composed of the present city assessors for their respective terms, and annually thereafter one member shall be appointed for the full term of three years. Also the following boards, to hold their respective offices as now provided by the several acts relating to each board, viz: A board of public works, to be composed of three members; a board of water commissioners, of five members; a board of inspectors of the house of correction, of four members; a board of poor commissioners, of four members; a board of fire commissioners, of four members; a board of building inspectors, of three members; a board of health, of three members; and a

board of Belle Isle park commissioners, of four members. There shall also be appointed by the controller a deputy controller, who shall, in case of the inability of the controller to perform the duties of his office by reason of sickness, absence from the city, or other sufficient cause, be vested with all the powers and perform all the duties of the controller, until the disability of the controller shall cease: *Provided, however,* That such deputy controller shall in no case have the right or power to act as controller unless the disability of the controller shall have been first declared by a resolution of the common council, nor unless said deputy controller shall have first qualified by filing an official bond in such penal sum as the common council may direct, and with sureties approved by them. There shall also be appointed by the city clerk a deputy city clerk, who shall, in the absence or inability to act of the city clerk, be vested with all the powers and perform all the duties of the city clerk, and who shall file an official bond [in] such penal sum as the common council may direct, and with sureties approved by them: *Provided further,* That in case of the death, resignation or removal of the city clerk, the deputy city clerk shall continue to perform the duties of the office of city clerk until the next regular election, when the vacancy may be filled. There shall also be appointed by the city treasurer a deputy city treasurer, who shall, in the absence or inability to act of the city treasurer, be vested with all the powers and perform all the duties of the city treasurer, and who shall file an official bond in such penal sum as the common council may direct, and with sureties approved by them: *Provided further,* That in case of the death, resignation or removal of the city treasurer, the deputy city treasurer shall continue to perform the duties of the office of city treasurer until the next regular election when the vacancy may be filled.

Controller to
appoint deputy.

Proviso.

Clerk to appoint
deputy.

Proviso.

Treasurer to
appoint deputy.

Proviso.

SEC. 4. There shall be appointed by the board of health, three or more city physicians, whose term of office shall be one year, beginning on the first day of July; also a city engineer, on the nomination of the board of public works, whose term of office, duties and compensation shall be fixed by the common council.

Appointment of
city physician
and engineer.

SEC. 18. The common council may, by a vote of two-thirds of all the members elect, expel or remove from office any of their own members, and may remove any other officer holding office by election, except the mayor and recorder, for corrupt or willful malfeasance or misfeasance in office, or for willful neglect of the duties of his office, by a vote of two-thirds of all the members elect, and in such case the reason of such expulsion or removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said common council unless first furnished with a copy of the charges in writing and allowed to be heard in his defense, with aid of counsel; and, for the purpose hereof, the common council shall have power to issue subpoenas, to compel the attendance of

Expulsion and
removal of
officers.Removal of
elective officers,
proceedings for,
etc.

witnesses and the production of papers, when necessary, and shall proceed, within ten days after service of a copy of the charges, to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges, his failure so to do may be deemed good cause for his removal from office. The mayor shall have power to suspend or remove constables from office, and in case of such suspension or removal from office the mayor shall report the same, with the reasons therefor, to the common council.

**Resignations.
Filling vacancies in office of mayor or aldermen.**

SEC. 22. Resignations of office shall be made in writing, as follows: By the mayor to the common council, by the aldermen to the president of the common council, by all other elective officers to the mayor, who shall report the same to the common council for its acceptance, by all appointive officers to the mayor or other officer or board whose duty it is to fill the vacancy.

Filling vacancies in office of mayor or aldermen.

SEC. 24. If a vacancy occurs in the office of mayor or alderman more than six months before the time for holding the next succeeding annual city election, the common council shall order a special election to fill such vacancy for the residue of the official term; if it occurs within six months before the time for holding such election the common council may, in its discretion, order a special election to fill such vacancy for the residue of the official term.

Filling vacancies in other elective offices.

SEC. 25. If a vacancy occurs in any elective office other than that of mayor, recorder or alderman, the common council shall appoint some person eligible under this act, unless otherwise provided, to serve in such office until the next annual election, when the vacancy shall be filled for the residue of the official term.

Nomination to common council, of assistants, etc., by officers.

SEC. 33. Each officer of the city, and each board or commission of the city, the appointment of whose assistants or other employés is vested in the common council, shall annually nominate to the common council the person or persons whom the said officer, board or commission shall desire to have appointed to any position in their respective offices, or under their control, designating in the communication of nomination the position or duty to which such person or persons are to be assigned. And it shall be the duty of the common council to confirm or reject the said nominations, and no person or persons shall be appointed to any such office without first having received the nomination of the head of the office, or board or commission in which such person or persons are to be employed. This section shall not apply to appointments already lawfully made. In case of the incompetency, neglect of duty or other misconduct of any such assistants, clerks or subordinates so appointed to any such office, the officer, board or commission in whose office such person or persons have been appointed, shall represent the fact of such incompetency, neglect of duty or other misconduct to the common council by communication, which communication shall contain the charges and specifications [specification] of any such neglect of duty, incompetency or other misconduct; and if such charges are sustained, then such assistants, clerks or subordinates may be removed by the common council. Any vacancy so occasioned, or

Common council to confirm or reject nomination.

In case of incompetency, etc., of persons nominated.

by resignation, death or otherwise, shall be filled in the manner above provided.

CHAPTER V.

OFFICERS, THEIR RIGHTS, POWERS AND DUTIES.

SEC. 2. The mayor shall be paid a salary of twelve hundred dollars per annum. In case of a vacancy in the office of mayor, or his being unable to perform the duties of his office by reason of sickness, absence from the city or other cause, the president of the common council shall be acting mayor; and in case, at the same time, there shall be a vacancy in the office of president of the common council, or he shall be unable to perform the duties of his office by reason of sickness, absence from the city, or other cause, the president *pro tempore* of the common council shall be acting mayor, and such acting mayor shall be vested with all the powers and shall perform all the duties of mayor until the vacancy or vacancies aforesaid be filled, or the mayor or president of the common council, as the case may be, shall resume his office.

Salary of, In case of vacancy, absence, etc., of mayor.

SEC. 3. The common council shall at its session on the second Tuesday in January in each year elect from its number, by a *viva voce* vote, a president for the year, and a president *pro tempore* to supply his place in case of vacancy or temporary absence.

President pro tempore.

SEC. 4. The president *pro tempore* of the common council shall preside at the meetings in case of a vacancy in the office of president, or of the president being unable from any cause to preside or be present. In such case the president *pro tempore* [shall] be invested with all the powers and shall perform all the duties of president until he shall resume the duties of his office or the vacancy be filled.

Powers and duties of.

CHAPTER VI.

REPORTS OF OFFICERS AND BOARDS.

SECTION 1. The common council may at any time, by resolution, require from the various officers, boards and commissioners of the corporation, reports and detailed statements of any matter under their control, and it shall be the duty of such officer [officers,] boards and commissioners to comply with said resolution; the common council may, by ordinance, determine the date, and from time to time change the same, at which estimates of such officers, boards and commissioners of said corporation for the next fiscal year shall be made.

Reports, estimates, etc., of officers.

CHAPTER VII.

COMMON COUNCIL—HOW CONSTITUTED—POWERS AND DUTIES.

SECTION 1. The legislative power of the city is vested in a common council to be composed of the aldermen elected from

Of whom council composed, etc.

each ward of the city. The board of councilmen is hereby abolished. The board of aldermen shall hereafter be known as the common council; and the president of the board of aldermen shall be known as the president of the common council. All the powers and duties of said board of councilmen are hereby conferred on the common council, except as is otherwise provided in this act. The words "board of aldermen" shall be taken to mean the common council whenever they occur in the charter.

Duties of common council in nominations, appropriation, measures, reports, contracts, etc.

SEC. 8. All nominations by the mayor shall be made to and be confirmed by the common council. All annual reports from city officers or boards, all contracts and bonds given for the faithful performance of work, and all claims and accounts shall be sent to the common council, and shall not go into effect or be of any force until considered and approved by said common council.

Common council, quorum, etc.

SEC. 9. The aldermen of the city shall constitute the common council thereof, and a majority of all the aldermen elected shall be a quorum for the transaction of business, but a smaller number may adjourn from day to day, and upon a call of the common council by any member thereof, if supported by a majority of the members present, whether a quorum or not, the president shall have power to send any member of the police force of the city to bring the absent aldermen forthwith before said board. The clerk of the city shall be clerk of the common council.

Clerk of. Ordinances, etc., involving expenditure of money to be submitted to common council, etc.

SEC. 13. Every ordinance, resolution or proceeding of the common council imposing taxes or assessments, or originating the expenditure or disposal of money or property, or whereby the corporation, or any board of officers under this act may incur any debt or liability, including ordinances and resolutions for the fixing of salaries and for the payment of debts and liabilities previously and lawfully contracted, shall, except resolutions making appointments to or removal from office, and except ordinances and resolutions for the fixing of the annual estimates and salaries, and for payment of debts and liabilities previously and lawfully contracted, before it takes effect, be presented by the clerk to the mayor; if the mayor approve thereof he shall thereon write his approval, with the date thereof, and sign the same, and thereupon such ordinance, resolution, or proceeding shall go into effect; and such as he shall not so approve and sign he shall return to the common council, with his objections thereto in writing, under cover, sealed and addressed to said board.

Passing ordinances, etc., over objections of mayor.

SEC. 15. Upon the return, as aforesaid, of any ordinance, resolution or proceeding, the common council receiving such matter, with the objections of the mayor, shall proceed to reconsider the vote by which the same was passed and adopted; and if, after such reconsideration, two-thirds of all the members elected of the common council shall agree by ayes and noes, which shall be entered of record, to pass or adopt the same, it shall go into effect.

Ordinances, etc., where deposited and recorded.

SEC. 17. All ordinances, resolutions, and written proceedings of the common council shall be deposited in the office of the clerk

of the city, who shall safely keep the same, and they shall be recorded in proper books, to be provided therefor. He shall keep a journal record of the proceedings of the common council, and also a record of every ordinance enacted and the time of its first publication, which record shall be signed by the clerk, and by the president of the common council.

Clerk to keep journal, etc.

SEC. 21. The inhabitants of said city shall have the right of petition to the common council.

Right of petition.

SEC. 25. No alderman shall vote on any question in which he is interested; on all other questions every alderman present shall vote, and in all cases of tie-vote the question shall be lost.

Voting.

SEC. 65. Immediately after the organization of the common council shall have been completed, at its session on the second Tuesday in January in each year, and before it shall proceed to any other business, it shall receive the annual message of the mayor.

Annual message of mayor.

CHAPTER VIII.

ESTIMATES—DUTIES OF CONTROLLER AND POWERS OF COMMON COUNCIL AND BOARD OF ESTIMATES RELATIVE THERETO.

SECTION 1. Before any taxes shall be levied for the purposes or any of the funds into which the revenues and moneys of the city may be divided, the controller shall present to the common council in writing his estimates of the amount of taxes which, in his opinion, it may be necessary to raise for the ensuing year for the purpose [purposes] of each of said funds, and also an estimate of the entire proposed expenditures for said year; whether the same is to be raised by tax, by loan, or by special assessment, which estimates shall be published in the official paper of the city. The controller shall at the same time give to the common council any information in his power or which they may request concerning the finances of said city. The common council may revise or alter said estimates, but not so as to exceed the aggregate taxes authorized by law to be levied, and when such estimates shall be finally adopted by them the same shall be transmitted by the clerk of said board to the board of estimates. The common council shall so alter, revise, and adopt said estimates on or before the fifth day of April in each year.

Estimates of controller to be reported to common council.

Information to be furnished by controller.

Council may revise, etc., estimates.

CHAPTER XI.

TAXATION AND FINANCE.

SEC. 9. No contract for the purchase of any real estate, or for the construction of any public building, sewer, paving, graveling, planking, macadamizing, or for the construction of any public work whatever, or for any work to be done, or for purchasing or furnishing any material, printing or supplies for said corporation, if the purchase of said real estate, or the expense of such construction, repairs, work, printing materials or supplies shall

Contracts to be let to lowest bidder, etc.

Proviso. exceed two hundred dollars, shall be let or entered into except to and with the lowest responsible bidder, with adequate security: *Provided*, That in case of repairing paved streets, building and repairing crosswalks, culverts, intersections and sidewalks, the common council may cause the same to be done by the board of public works when so deemed advisable and ordered by a two-thirds vote of all the aldermen elect. And as to such work or material requiring mechanical skill, to and with practical mechanics, and as to such other work, supplies or materials not requiring mechanical skill, to and with such persons as shall be deemed competent for the performance of any such contract, and not until a notice calling for bids shall have been duly published in at least one daily paper published in said city, and for such period as the common council shall prescribe; and no bids shall be accepted from or contract awarded to any person who is in arrears to the corporation upon debt or contract, or who is a defaulter as security, or otherwise, upon any obligation to the corporation, or who shall in other respects be disqualified according to the provisions of this act.

Passing ordinances, etc., requiring expenditures. SEC. 20. No ordinance, resolution or proceeding of the common council imposing taxes or assessments, or requiring the payment, expenditure or disposition of money or property, or creating any debt or liability therefor, and no other ordinance shall be passed at the same meeting at which it was introduced, unless by unanimous consent, or at a special meeting called therefor, and every such ordinance, resolution or proceeding shall be passed by yeas and nays, to be entered on the record.

By whom loans to be negotiated. SEC. 24. The mayor, controller and chairman of the committee on ways and means of the common council shall constitute a committee for the negotiation of all loans authorized by this act, except as to any loans to be made by the controller under the authority of the common council, as above provided; and a majority of said committee shall have power to make such negotiation, subject to the approval of the common council.

Board of commissioners of sinking fund. SEC. 28. The mayor, controller, treasurer and committee on ways and means of the common council and their successors in office, by virtue of their offices, shall be a board of commissioners of the Detroit city sinking fund. They shall from time to time, upon the best terms they can make, purchase or pay the outstanding debt of said city, or such part thereof as they may be able to purchase or pay, until the same be fully purchased or paid; and all bonds and evidences of debts thus purchased or paid shall be delivered to the treasurer, and shall become and be the property of the commissioners of the sinking fund, and the interest thereon shall be credited and belong to the sinking fund. The city treasurer shall endorse upon the back of all bonds so purchased by the commissioners of the Detroit sinking fund, for the benefit of that fund, the following, viz.: "Registered bonds, not transferable without the written consent of the mayor, controller and city treasurer endorsed thereon;" and whenever they cannot arrange for purchasing or paying the said debt, or any part thereof, they

Powers and duties of.

Endorsement upon bonds purchased by board, etc.

shall temporarily and until they can so arrange, invest the moneys belonging to said sinking fund in such securities, bearing interest, as they deem safe and advisable. Said commissioners shall, from time to time, and whenever requested by the common council, make report of their doings, which report shall be made to the common council, referred to and filed with the controller, and recorded by him in some proper book to be provided for that purpose. Report of.

SEC. 2. There are hereby added to chapter eight of said city charter of said city of Detroit four new sections, to stand as sections two, three, four and five, as follows: Sections added.

SEC. 2. A board of estimates in and for the city of Detroit is hereby created, which shall be constituted as follows: Two members from each ward, who shall be elected at the same time and for the same term as aldermen, and five members who shall be elected upon a general ticket at the same time as the mayor, and who shall hold their office for a term of two years. The several provisions of law relating to elections in said city as to election of city officers and aldermen canvassing the votes and making returns thereof shall, as far as applicable, apply to and regulate the holding of elections of members of said board: *Provided*, That the first election of members of said board shall be held on the first Tuesday after the first Monday in November, in the year eighteen hundred and eighty-seven, and two members from each ward shall be then elected, one of whom shall hold his office until the next general election in said city, in the year eighteen hundred and eighty-eight, and the other member so elected shall hold his office for two years from the second Tuesday of January, A. D. eighteen hundred and eighty-eight, and the ballots cast shall designate the respective terms of office of the persons then voted for; and there shall also be elected on said first Tuesday after the first Monday in November, eighteen hundred and eighty-seven, five members of said board upon a general ticket, who shall hold their office until the next general charter election in said city: *And provided further*, That five days' notice of such first election, to be given by the city clerk in two or more newspapers published in said city, shall be deemed sufficient. At the next general charter election to be held in the said city in the several wards, and annually thereafter, a member of the board shall be elected from each ward who shall hold his office for two years; and at such next charter election, and each alternate year thereafter, five members of said board shall be elected upon a general ticket who shall hold their office for two years. Board of estimates created and how constituted.

SEC. 3. All members of said board shall be resident electors of said city and hold their office until their successors shall be elected and qualified. The following officers of said city shall be *ex-officio* members of said board and shall have the right to participate in its deliberations, but shall not have the right to vote, to wit: The president and chairman of the committee on ways and means of the common council, the city controller, city counselor, the president of the board of education, board of water Further proviso as to subsequent elections.

Qualification of members and *ex-officio* members.

Oath.	commissioners, board of police commissioners, board of poor commissioners, president of the fire commission, the senior members, being those whose terms will soonest expire, of the board of inspectors of the house of correction and of the board of public works. All members of said board shall, before entering upon the discharge of their duties, take and subscribe and file in the office of the city clerk, the same oath of office as is prescribed in the charter of said city to be taken by city officers. The members of said board shall receive as compensation three dollars for each daily session of the board. Said board shall elect one of their number president of said board, who shall preside at its meetings and who shall hold his office until the next election of new members: <i>Provided</i> , That if he be absent, or incapacitated from performing his duties, the board may appoint a president <i>pro tempore</i> . The city clerk shall be <i>ex-officio</i> secretary of said board, and shall keep a record of its proceedings. The first meeting of said board shall be held annually on the first Monday in March, at ten o'clock in the forenoon, and at such other times as the common council may by resolution or ordinance provide. The meetings of said board shall be held in a suitable room to be provided by the common council, and if no provisions be made, then the same shall be held in the common council chamber.
Compensation and officers of board.	
Proviso.	
Meetings of board.	
Proviso as to meeting to consider estimates.	The board may adjourn from time to time: <i>Provided</i> , That the meeting which shall be held annually to consider the estimates for the annual general taxes for city purposes shall not be adjourned to a time subsequent to the fifteenth day of April. The board shall have the right to call upon the common council or upon any officers or boards of the corporation for further reports, or for any information which it may require for the purpose of estimating any amount to be raised, or in reference to any other matter pending before such board. It shall also have the right to inspect the official books and papers of said officers or boards.
Before certain moneys raised, etc., estimates of amounts to be submitted to board.	SEC. 4. Before any moneys shall be raised or taxes levied and collected for the purposes of the several funds mentioned in the charter of the city of Detroit and acts amendatory thereof, excepting interest and sinking funds for the purpose for which moneys are required to be raised by other acts relating to said city, which require estimates for taxes to be submitted by the city controller, or other officers and boards, the estimates of the amount of moneys required for such funds or purposes by tax shall be submitted to said board of estimates; and before any bonds shall be issued said issue shall be authorized by said board of estimates. The estimates for the general city taxes shall be acted upon by the common council, as provided by law, and shall be submitted to said board of estimates in time to be considered by the board on or prior to said fifteenth day of April. Said board shall carefully consider all estimates hereby required by this act to be submitted to it of moneys to be raised as aforesaid, and shall approve or disapprove of the same. It may decrease the amount to be raised, but shall not increase the same. It may authorize the issuing of bonds in the same manner and in the
Time of submitting.	
Power of board.	

same cases as such citizens' meetings might authorize the same. A majority of all the members elect of said board shall be required to approve of any such estimates for the raising of taxes, or any part thereof, or to authorize the issue of any bonds.

SEC. 5. All votes in said board approving or disapproving of any estimate or decreasing the amount thereof, or authorizing or disapproving of the issue of bonds, shall be taken by yeas and nays, and entered upon the record of its proceedings. After said board shall have considered the said matters required to be submitted to it, it shall cause a statement of the amounts so approved by it to be raised by taxation or issue of bonds, and the fund or purpose for which raised to be made, which statement, being adopted by a majority of all the members elect of the board, shall be then certified by the president and secretary of the board, and shall be transmitted to the common council, and only so much of such estimates or amount to be raised by taxation as shall have been approved by said board shall be raised and collected in said city, and only such bonds shall be issued as shall be authorized by said board, as herein provided. The common council of said city, upon approval of said estimates, or any part thereof, by said board, shall cause to be levied and collected by general tax the amount thereof so approved, and shall issue any bonds so authorized to be issued by said board as aforesaid.

Vote of board
by yeas and nays
and recording
of.

Statement of.

Effect of
statement.

Duty of council
in relation
thereto.

SEC. 3. Sections two, three, four, five, six, seven and sixty-six of chapter seven, and sections two and three of chapter eight of said act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, be and the same are hereby repealed.

Sections
repealed.

Approved June 2, 1887.

[No. 489.]

AN ACT to amend chapter eleven of act number three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, by adding four new sections thereto to stand as sections forty-two, forty-three, forty-four and forty-five.

SECTION 1. *The People of the State of Michigan enact, That* chapter eleven of act number three hundred and twenty-six, local acts of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, be and the same is hereby amended by adding thereto four new sections to stand as sections forty-two, forty-three, forty-four and forty-five which shall read as follows:

Chapter
amended.

Sections added.

Power of common council to issue bonds.

SEC. 42. The common council, in addition to the powers hereinbefore granted, shall have power to issue bonds upon the faith and credit of the city as follows: Whenever the common council shall have ordered the paving of any street in said city, and the assessments for the cost thereof shall have been duly made according to law, the said common council may issue bonds for an amount not exceeding three-quarters of the cost of paving said street, as estimated and assessed, and may pledge the faith and credit of the city for the payment of the principal and interest of said bonds.

Form of bonds, coupons, etc.

SEC. 43. Said bonds shall be denominated "—— Street Paving Bonds," and shall bear the name of the street for paving which they are to be issued. One-quarter thereof shall be payable in one year, one-quarter in two years and one-quarter in three years from the date of their issue. They shall bear interest at a rate not exceeding five per cent per annum, payable annually, and shall be for sums of not less than one hundred dollars each. The bonds made payable in one year shall have attached thereto one interest coupon, and those made payable in two years shall have attached thereto two interest coupons, and those made payable in three years shall have attached thereto three interest coupons. They shall be regularly dated and numbered in the order of their issue and shall be issued under the seal of the corporation, signed by the mayor and countersigned by the controller. The controller shall keep an accurate record of such bonds, the number, date and amount of each, and the person or persons to whom payable.

Record of bonds.

Form of assessment roll for street paving tax, etc., and collection of.

SEC. 44. The assessment roll provided for in section thirty-seven (37) of this chapter shall be made by the assessor in four parts: *Provided*, Any person so electing may have all assessments for street pavements made against the property assessed, payable on first assessment, each part to contain a list of the lots or parcels mentioned in said section, with the names of the owners or occupants of each lot or parcel, and three-quarters of the cost and expense of the work assessed upon each lot or parcel. Such parts of the assessment roll shall be numbered one (1), two (2), three (3) and (4) respectively. The common council may provide that the portions of the assessment on each lot or parcel mentioned in the several parts of the assessment rolls shall be collected in such manner as shall be authorized by law and at such time as the common council may by ordinance provide.

Sinking fund for street paving bonds.

SEC. 45. The common council shall by ordinance provide that a sinking fund shall be created for the payment of the bonds issued for street paving, as hereinbefore provided, into which sinking fund shall be paid, from time to time as collected, the proceeds of the assessments for street paving, in such manner that said bonds shall be paid at maturity out of the proceeds of such assessments.

This act is ordered to take immediate effect.

Approved June 2, 1887.

[No. 490.]

AN ACT to amend section one of an act entitled "An act to authorize the vacation of the township burying ground in the township of Paris, in the county of Kent, located on the east half of the southeast quarter of section seventeen, town six north, range eleven west," approved March one, eighteen hundred and eighty-seven.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to authorize the vacation of the township burying ground in the township of Paris, in the county of Kent, located on the east half of the southeast quarter of section seventeen, town six north, range eleven west," approved March one, eighteen hundred and eighty-seven, be and the same is hereby amended so as to read as follows: Section amended.

SECTION 1. *The People of the State of Michigan enact*, That whenever the township board of the township of Paris, county of Kent, shall by resolution adopted by them, determine that the dead bodies buried in the old township burying ground of the said township of Paris, located on the east half of the northeast quarter of section seventeen, town six north, range eleven west, should be removed therefrom for the reason that said burying ground shall have become, from the nature of the ground or soil, unsuitable for a burying ground, or shall endanger the health of the people living in the immediate vicinity thereof, the circuit court in chancery for said county of Kent is hereby authorized to vacate the same, or any part thereof, on petition made to such court as is hereinafter provided. Township board to determine the necessity of vacating.

This act is ordered to take immediate effect.

Approved June 3, 1887.

[No. 491.]

AN ACT to amend section eight of act number three hundred and seventy-four of the session laws of eighteen hundred and sixty-nine entitled "An act to incorporate the village of Portland, Ionia county, approved March thirtieth, eighteen hundred and sixty-nine, as amended by act number two hundred and twenty-nine of the session laws of eighteen hundred and seventy-one," approved March eighteenth, eighteen hundred and seventy-one.

SECTION 1. *The People of the State of Michigan enact*, That section eight of act number three hundred and seventy-four of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the village of Portland, Ionia county, approved March thirtieth, eighteen hundred and sixty-nine, as amended by act number two hundred and twenty-nine of the session laws of eighteen hundred and seventy-one," approved March eighteenth Section amended.

eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Council may pass ordinances relative to appointment of officers.	SEC. 8. The president and trustees shall have power to ordain and establish by-laws, rules and regulations and to alter and repeal the same at pleasure for the following purposes, to-wit:
Compensation.	For the appointment of such officers (whose election is not herein provided for) for said village as they may deem necessary, and to
Public property.	fix the compensation for their services, and also such as they may deem necessary and right for the maintenance and preservation
Police.	of the public places, property and buildings of said village; to
Public peace.	regulate the police thereof; to preserve the public peace; to pre-
Riots, etc.	vent riots, disturbances and disorderly assemblages; to appoint
Fire department.	watchmen and policemen and organize a fire department and
Drunkards, etc.	define their duties and prescribe penalties for their delinquencies;
Gaming-houses, etc.	to restrain, apprehend and punish vagrants, mendicants, drunk-
Licenses, etc.	ards and all disorderly persons; to punish lewd and lascivious
Liquors, etc.	behavior in the streets or other public places; to suppress and
Immoderate driving, etc.	restrain disorderly and gaming houses, billiard tables and other
Nuisances.	devices and instruments of gaming; and shall have exclusive
Disorderly houses, etc.	power and authority to license such persons as tavern-keepers
Incumbrance of streets, etc.	and common victualers as they shall think best, but no license
Sidewalks.	shall be in force except during the term of office of the board
Storage of powder, etc.	granting it; to prevent the selling or giving away of spirituous
Fireworks, etc.	or fermented liquors to drunkards, minors or apprentices; to pre-
Vending of meats, etc.	vent and punish immoderate riding or driving in any street or
Sealing of weights, etc.	over any bridge, and to authorize the arrest and detention of any
Pounds and the impounding of cattle, etc.	person who shall be guilty of the same; to abate, prevent and
Dogs.	remove nuisances; to suppress disorderly houses and houses of
Hacks, etc.	ill-fame, and to punish the inmates and keepers thereof; to pre-
Runners.	vent and compel the removal of all incumbrances, encroachments,
	and obstructions upon the streets, walks, lanes, alleys, bridges,
	parks and public grounds within said village; to compel the own-
	ers or occupants of lots to clear sidewalks in front of or adjacent
	thereto of snow, ice, dirt, mud, boxes and every incumbrance
	or obstruction thereto; to regulate the storage of powder, lumber
	or other combustible material; to prevent the use of fire-arms,
	slung-shots and other weapons and fire-works; to construct and
	regulate markets; to regulate the vending of meats, vegetables,
	fruits, fish and provisions of all kinds; to regulate the sale of
	hay, wood, lime, lumber and coal; to regulate the gauging of
	vessels containing liquor, the sealing of weights and measures; to
	regulate and maintain one or more pounds and to provide for the
	restraint of horses and cattle, sheep, swine and other animals,
	geese and other poultry, and to authorize the taking up, impound-
	ing and sale of the same for the penalty incurred and the cost of
	keeping and impounding, and to punish for the rescuing the same
	before all costs and charges are paid; to prevent the running at large
	of dogs, to require them to be muzzled, and to authorize their
	destruction if found at large in violation of any ordinance; to regu-
	late and license cartmen, porters, hacks and cabs and to regulate
	their rates of compensation; to prevent runners from soliciting trav-

elers; to construct hydraulic works to supply the village with water; to light the streets; to borrow money for public improvements not exceeding one thousand dollars in any one year; to establish wells and cisterns, and to prevent the waste of water; to regulate and prohibit bathing in the public waters within said village; to purchase grounds for and regulate cemeteries and the burial of the dead and to provide for the return of the bills of mortality, and to order the use for burial purposes of any burial ground or cemetery to be discontinued whenever they may deem the same necessary for the best interest or health of the citizens; to ascertain, establish and settle the boundaries of all streets and alleys and to establish grades therefor; to order and cause to be drained or filled any low or marshy land; to cleanse and regulate any grounds, yards, basins, cellars or vaults within said village that may be sunken, damp, foul, encumbered with rubbish or unwholesome, and to assess the cost and expense thereof on the premises benefited; to establish lines upon which buildings may be erected and beyond which such buildings shall not extend; to prevent the erection of buildings in an unsafe manner and to pass all necessary regulations relative to buildings deemed unsafe; to regulate the building of partition and other fences; to establish fire limits within which no wooden buildings shall be moved, built or enlarged; to regulate party walls, chimneys, flues and putting up of stoves and stove-pipes, and other things that may be deemed dangerous in causing or promoting fires; to purchase and keep in order fire-engines and other fire apparatus, and construct buildings to store them; to cause each building occupied as a house, store or shop to be provided with fire-buckets and ladders, and to organize, maintain, and regulate all such fire-engine, hook-and-ladder, hose, and bucket companies as may be deemed expedient, and may appoint from among the inhabitants of said village such number of men willing to accept as may be deemed proper and necessary to be employed as firemen, and every such company shall make their by-laws and rules for the organization and government of the company, subject to the approval of the village board; to regulate the duties, powers, and fees of village officers; to prescribe the setting of posts and shade trees; to provide for the construction of sidewalks and repairing the same; to grade the walks, streets, and alleys, and to prescribe the manner of constructing, planking or repairing of them, the cost and expense of constructing, planking or repairing sidewalks, or paving streets, walks, gutters, and alleys, to be paid by assessments on the lots in front of or adjoining either or all of such improvements which shall be made: *Provided*, That so much money belonging to the highway fund of said village as the president and trustees may direct may be expended for grading; to construct sewers, drains, and culverts; to grade, gravel, pave, repair, amend, and otherwise improve the streets, lanes, alleys, public grounds, and parks in said village; to lay out, establish, open, extend, widen, straighten, alter, close, and vacate such streets, highways, alleys,

Hydraulic works.
 Lighting of streets.
 To borrow money.
 Water.
 Bathing.
 Cemeteries.

Boundaries, etc., of streets.

Unwholesome grounds, etc.

Line of buildings.
 Unsafe buildings.

Fire limits.

Party walls.

Fire apparatus, etc.

Duties, etc., of officers.

Shade trees.

Sidewalks.
 Grading, etc., of streets.

Proviso;
 use of highway fund.

Sewers, etc.

Parks, streets, etc.

Levying of taxes. Mill races. Curbing, etc. Auctions, etc. Peddling, etc.	lanes, water-courses, squares, market-places, and public parks in said village as they shall deem necessary for the public good and convenience, under the restrictions provided for in this act; to prescribe the levying and collection of highway and other taxes; to regulate the covering of mill-races at the expense of the owners thereof; to rail and curb, when necessary, all walks, at the expense of the owners of the adjoining lots; to license and regulate auctioneers, peddlers and pawn-brokers, and auctions, and hawking and peddling, and to license and regulate the peddling and sale of jewelry, goods, merchandise, and other property, by hand, hand-cart, show-case, show-stand, or otherwise, in the public streets; to prohibit, restrain, regulate, and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, shows, concerts, circuses, or other performances and exhibitions for money; to prevent the violation of the Sabbath, and to require all saloons, drinking-houses, shops, and other places of business to be closed on the Sabbath day, and at reasonable hours of the night on week days; to provide a village jail, in which it shall be lawful to confine persons arrested for violation of any village ordinance or by-law until the conclusion of their trial, unless admitted to bail according to law, and also those held for trial or examination in said village, before any court therein, for other offenses, until the close of such trial or examination, as the case may be, unless admitted to bail as aforesaid, and also any person convicted of any minor offense committed in said village wherein the sentence of the court shall not exceed the term of twenty days therein, and said jail shall be designated as the Portland jail of Ionia county; to provide for taking a census whenever they shall see fit; to levy taxes on all personal and real estate within the limits of the village, excepting places of public worship belonging to any church or congregation, all grounds and buildings used exclusively for educational purposes, and all property belonging to the village, town, county or State, but it shall not be lawful to levy in any one year an amount exceeding one per centum on the assessed valuation of the real and personal property of said village, exclusive of highway or other special taxes, and such levy of taxes as aforesaid shall be made on or before the second Monday of November of each and every year. For the violation of any by-laws, rules and regulations, such reasonable penalties may be imposed by the law itself as the president and trustees may deem proper, which shall be paid into the village treasury to be used and appropriated as shall be directed by the board of trustees as aforesaid; and when any fine or penalty shall not exceed one hundred dollars, the same may be recovered before any justice of the peace in the township of Portland; and any interest the inhabitants of said village may have in the fine or penalty to be recovered shall not disqualify any of them to try said cause or to serve as a juror or witness therein; and the circuit court for the county of Ionia shall also
Exhibitions, etc.	
Violation of the Sabbath.	
Village jail.	
Census. Taxes.	
Penalties.	
Recovery of same.	

have jurisdiction to try and determine all causes brought for the recovery of any fine or penalty imposed by said by-laws.

This act is ordered to take immediate effect.

Approved June 3, 1887.

[No. 492.]

AN ACT to amend sections one, two and four of act number three hundred and twelve of the local acts of eighteen hundred and eighty-three, entitled "An act to regulate the manner of electing trustees in school district number seventeen of the city of Jackson and township of Blackman," approved May twenty-four, eighteen hundred and eighty-three, and to add six new sections thereto to stand as sections ten, eleven, twelve, thirteen, fourteen and fifteen of said act.

SECTION 1. *The People of the State of Michigan enact, That* sections one, two and four of act number three hundred and twelve of the local acts of eighteen hundred and eighty-three, entitled "An act to regulate the manner of electing trustees in school district number seventeen of the city of Jackson and township of Blackman," approved May twenty-four, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows, and that six new sections be added thereto to stand as sections ten, eleven, twelve, thirteen, fourteen and fifteen of said act and to read as follows: Sections amended.
Sections added.

SECTION 1. That on the Saturday next preceding the time of holding the annual meeting of said district in each year, the qualified voters of school district number seventeen of the city of Jackson and township of Blackman, and of all territory which shall hereafter be added thereto, shall elect two trustees by ballot who, with the four holding over, shall constitute the board of education of the city of Jackson, school district number seventeen, and at the same time and in the manner hereinafter provided, the said electors shall fill by election any vacancy or vacancies which may exist in the said office of trustee. Election of trustees to constitute the board of education of the city of Jackson. 1.

SEC. 2. That the president and secretary of the board of education of said school district, or in case of their inability to act, such other two members of said board, or other suitable person, being qualified electors of said district, as such board of education shall designate, shall constitute a board of inspectors for the purpose of conducting the annual election of trustees of said district. Board of inspectors of election of trustees.

SEC. 4. The said board of inspectors shall provide a box at the expense of said district, and open the polls at some room in the central school building in said district, at nine o'clock in the forenoon or as soon thereafter as may be, and continue open until eight o'clock in the afternoon of said day. Ballot-box, polls, etc.

SEC. 10. Notice of the time and place of holding said election shall be given with notice of annual meeting by the secretary, or Notice of election.

person acting as secretary of said board, ten days previous to the time of holding the annual election, by publishing the same for three days in two or more daily newspapers printed and published in said city.

Estimates to be published.

SEC. 11. The board shall publish in one or more of the daily newspapers printed and published in said city, within ten days of the annual meeting, estimates for all purposes of expenditures for the ensuing year, which estimates shall specify the amounts required for the different objects of expenditure.

Officers of the board of education.

SEC. 12. The board of education of said district shall, on the second Tuesday in September in each year, or within ten days thereafter, elect from their number a president, a secretary and a treasurer, who shall hold their respective offices for one year thereafter and until their successors shall be elected and qualified.

Powers and duties of.

Said officers shall have the power and perform the duties respectively conferred upon and required of moderator, director and assessor by the general school laws of this State. Vacancies in either of said offices shall be filled by said board.

Bond of treasurer of board.

SEC. 13. Said board shall require of said treasurer a bond with sufficient sureties and in amount to be approved by said board, which amount shall be at least double the amount of money likely to be in the hands of the treasurer at any one time; said bond shall be conditioned for the faithful performance of the duties of his office, and be filed with the secretary of said board.

Powers and duties of board of education.

SEC. 14. The board of education of said district shall have full power and authority and it shall be their duty to appoint one or more persons to take the census of children between the ages of five and twenty years, and prescribe their duties and compensation; to establish moderate fees for tuition in foreign languages; to establish primary, grammar and high school, and prescribe the studies and text-books of each; to make rules relative to the length of time school shall be taught, which shall not be less than nine months in each year; relative to the employment and examination of teachers, their powers and duties, and to employ janitors and workmen; relative to anything whatever that may advance the interests of education, the good government and prosperity of the schools in said district, and the welfare of the public concerning the same.

Acts repealed.

SEC. 15. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 3, 1887.

[No. 493.]

AN ACT to amend sections four, five, six, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-eight, thirty-one, thirty-three, thirty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-

eight, sixty-one and sixty-four of act number three hundred and seventy-two of the laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the city of Flint," approved March twentieth, eighteen hundred and sixty-seven, and the acts amendatory thereof, and to add a new section thereto to stand as section sixty-five of said act.

SECTION 1. *The People of the State of Michigan enact, That* sections four, five, six, eight, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty-eight, thirty-one, thirty-three, thirty-four, forty-five, forty-six, forty-seven, forty-eight, forty-nine, fifty-eight, sixty-one and sixty-four of act number three hundred and seventy-two of the laws of eighteen hundred and sixty-seven, entitled "An act to revise the charter of the city of Flint," approved March twentieth, eighteen hundred and sixty-seven, and the acts amendatory thereof, be and the same are hereby amended so as to read as hereinafter set forth, and that a new section be added thereto to stand as section sixty-five of said act, as follows: Sections amended.

SEC. 4. The following officers shall be chosen in and for said city, to-wit: One mayor, one treasurer (said treasurer shall be ineligible to hold the office longer than two in any three consecutive years) and four justices of the peace, who shall be elected in the following manner, to-wit: The mayor and treasurer shall be elected annually and shall hold their office [offices] for one year and until their successors shall be elected and qualified. There shall be elected annually one justice of the peace who shall hold his office for four years and until his successor [shall] be elected and qualified. City officers, election of and terms of office.

SEC. 5. There shall be elected at the same time, in and for each of the wards of said city, one supervisor and one constable, who shall hold their offices one year and until their successors shall be elected and qualified; and one alderman, who shall hold his office two years and until his successor is elected and qualified. The supervisors shall be assessors for their respective wards, and shall perform all the duties and be subject to all the liabilities of township supervisors in respect to the assessment of property in their respective wards and the disposition to be made of their assessment rolls, except as otherwise provided in this charter. Ward officers, election and terms of office.

SEC. 6 The boards of registrations [registration], at their sessions previous to the general election in November, eighteen hundred and eighty-eight, shall make a re-registration of the qualified electors of their respective wards in books of the form provided by law, and a like re-registration of the electors in each ward shall be made at the sessions of the board next preceding the general election in November, eighteen hundred and ninety-two, and every fourth year thereafter. When such new registry shall be made the former registry of electors shall not be used, nor shall any person vote at any election in such ward after such re-registration unless his name shall be registered in such new register, except as provided by the general election laws. Notice that Re-registration.

Notice of re-registration.	such re-registration is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made, except as in this section provided the registration of voters shall be governed by the general law in regard to registration in cities. The annual election under this act shall be held on the first Monday in April in each year, at such places in each of the several wards as the common council shall designate, notice of which shall be given by the city clerk in the official paper of the city at least eight days before the election. The supervisor and aldermen of each ward shall be inspectors of such election and they shall also be inspectors of the State, county and district elections, and one of them shall act as clerk thereof, and in case of the absence of one or more of such inspectors the electors may choose <i>viva voce</i> from their number one or more to fill such vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace. The manner of conducting all elections and canvassing the votes and the qualifications of electors in the several wards shall be the same as that of townships, the word ward instead of township being used in the oath to be administered to an elector, in case his vote shall be challenged: <i>Provided</i> , That at such charter elections the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for the said city, and also one certificate of the officers elected in and for their wards, which certificates shall be immediately filed in the office of the clerk of said city, and upon the Thursday next following the day of said election the common council shall meet at the office of said clerk and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices, and it shall be the duty of said clerk, immediately after such determination, to cause notice to be given to such [each] of the persons elected of their election, and each of said officers so elected and notified shall, within ten days thereafter, take and subscribe the constitutional oath of office, before some person authorized to administer oaths, and deliver the same to the said clerk, who shall file it in his office: <i>Provided</i> , That in the case of election of one or more justices of the peace the clerk shall make a certificate thereof, and cause it to be delivered to the county clerk, in the same manner as is required of township clerks. In case two or more persons shall receive for any office an equal number of votes and a plurality of the votes given at such election, the common council shall immediately proceed to determine, by lot between the persons so receiving the highest number of votes, which shall be considered elected to such office. In case any of the officers so elected shall neglect, for the term of ten days after being notified, to qualify as aforesaid or to give the required security, the office shall thereby become vacant.
Annual elections.	
Inspectors of election.	
Conducting elections.	
Proviso as to certificate of inspectors.	
Common council to meet and determine election, etc.	
Proviso.	
Council, power of to appoint certain officers.	SEC. 8. The common council shall have power to appoint a marshal, a city attorney, a chief engineer of the fire department, a city clerk who shall also be clerk of the council, a health

officer, and, on nomination of the mayor, a street commissioner for said city, and such other officers, whose election is not herein provided for, as they may deem necessary to carry into effect the powers granted by this act, and to remove the same at pleasure. They shall also have power to remove the treasurer for any violation of any provision of this act, or of any city ordinance, or for any failure to comply with or perform any lawful order or requirement of the common council. In case of a vacancy in any city or ward office, the common council may fill such vacancy by appointment for the unexpired portion of the year. All officers appointed by the common council shall be notified and qualified as herein directed: *Provided*, That the common council may in their discretion order a special election to fill a vacancy in any office which is elective under this act: *And provided further*, That no member of the common council shall be appointed to any office except in the fire department, nor shall the treasurer be eligible to or hold the office of clerk, marshal or deputy marshal.

To remove treasurer.

To all vacancies.

Proviso.

Further proviso.

SEC. 10. The mayor and aldermen, by virtue of their respective offices, shall be conservators of the public peace, and as such shall each have and exercise all the power and authority of justices of the peace in criminal cases and in enforcing the laws of this State relative to the police thereof, but shall have no jurisdiction of civil cases other than is conferred upon them expressly by this act.

Common council to be conservators of the peace.

SEC. 11. The justices of the peace of the city of Flint elected under the provisions of this act, shall have and exercise therein and within the county of Genesee the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be required or conferred upon the justices of the peace by the general laws of the State. They shall also have jurisdiction in all civil cases within the jurisdiction of justices of the peace when either of the parties shall reside in the county of Genesee. They shall have power and authority to inquire into, hear, try and determine all suits or prosecutions for the recovery or enforcing of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed; and all actions for encroachments upon or injury to any of the streets, lanes, alleys, bridges, parks, buildings, fences, gates or any other public or private improvement within said city; to take recognizances for good behavior, for the appearance of the person charged and upon appeal; and to commit to prison as occasion may lawfully require.

Jurisdiction, power and duties of justices of the peace.

SEC. 12. Upon complaint in writing and under oath being made before any justice of the peace of said city, setting forth briefly what ordinance of said city has been violated and in what manner and by whom, in cases in which the offender is liable to imprisonment, said justice shall issue his warrant, directed to the marshal of said city or any constable of the county of Genesee,

Idem as to cases under ordinances, etc.

reciting the substance of such complaint and commanding such officer, in the name of the People of the State of Michigan, to arrest the person named in said complaint and bring him forthwith before such justice to be dealt with according to law; and upon such person so being brought before such justice, such proceedings shall be had as are provided for the trial of criminal cases before justices of the peace by the general laws of the State, and all such prosecutions shall be in the name of the People of the State of Michigan. The marshal or any constable of said city may arrest any person without warrant while in the act of violating any ordinance of said city; and the person so arrested shall be forthwith taken before a justice of the peace of said city and complaint then made against the person so arrested, and such proceedings shall thereupon be had as provided in this section, except that no warrant need be issued for the arrest of the person so brought before said justice: *Provided*, That any person so arrested in the night time may be detained in custody until such time as he can be taken before such justice. In all cases brought under this section, if the accused shall be convicted, the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with the costs of prosecution. In no case shall the party complained of recover costs.

Proviso as to
night arrests.

Collection of
penalties, etc.

SEC. 13. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction therefor, such penalty or forfeiture may be recovered in an action of debt or in assumpsit; and if it be a forfeiture of any property it may be sued for and recovered in an action of trover, assumpsit, or other appropriate action; and whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid. Such action shall be brought in the name of the city and shall be commenced by summons; the form, time of return and service thereof, the pleadings and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon rendition of judgment against the defendant, execution shall issue forthwith, and, except when a corporation, shall require, if sufficient goods and chattels cannot be found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid or he be discharged by due course of law. No costs shall be allowed the defendant in any action brought under this section.

Issue of execu-
tion and satis-
faction thereof.

No costs to be
allowed to
defendants.
Execution of
judgment.

SEC. 14. Every such judgment shall be executed by virtue of an execution or warrant specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in the pre-

ceding section shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed. In cases where a fine and imprisonment, in default of the payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly; in the former case until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter for the term named in the sentence: *Provided*, that the common council may remit any fine in whole or in part, if it shall appear to them that the person so imprisoned is unable to pay the same.

SEC. 15. The city of Flint shall be allowed the use of the common jail of the county of Genesee, for the confinement of all persons liable to imprisonment for violation of any of the by-laws or ordinances of the city of Flint, or under any of the provisions of this act; and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail, or in the city prison, or other place of confinement provided by the city or authorized by the ordinances of the city, and the sheriff or other keeper of such jail or place of confinement or imprisonment shall receive and safely keep any person committed thereto, as aforesaid, until lawfully discharged. All process issued in any prosecution or proceeding for the violation of any ordinance of the city shall be directed to the city marshal or to any constable of the county of Genesee, and may be executed in any part of the State by said officers, or any other officer authorized by law to serve process issued by justices of the peace. Any such officer to whom such process shall be delivered for service is hereby required to execute the same, under the penalties which are by law incurred by sheriffs and other officers for neglecting or refusing to execute other civil or criminal process.

Use of county
jail allowed, etc.

Process, to
whom directed.

Duty of officer
receiving

SEC. 16. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance, or any provisions thereof, in any complaint, warrant, process or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval; and it shall be a sufficient statement of the cause of action in any such complaint, warrant or pleading to set forth substantially and with reasonable certainty as to time and place the act or offense complained of, and to allege the same to be in violation of an ordinance of the city of Flint, referring thereto by its title and the date of its passage or approval; and every court or magistrate having authority to hear, try and determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city and the resolutions of the common council, and of the authority of the common council to enact the same; and such ordinances or resolutions may be read in evidence in all courts of justice and

Ordinances,
how set forth
in proceedings.

Judicial notice
to be taken of.

May be read in
evidence; from
what.

in all proceedings, from a record thereof kept by the city clerk from a copy of such record certified by the city clerk under the corporate seal of the city, and from any volume of ordinances purporting to have been written or printed by authority of the common council.

Appeal of suits under ordinances.

SEC. 17. Any party convicted of a violation of any ordinance of the city in a suit commenced by complaint or warrant, may remove the judgment and proceedings into the circuit court for the county of Genesee by appeal or writ of *certiorari*; and the proceedings therefor, and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court, shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace. And in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment or remove the proceedings by *certiorari* into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the peace, except that the city shall not be required to give any bond or security thereon. In all prosecutions for violation [violations] of the ordinances of the city either party may require a trial by jury. Such jury shall consist of six persons, and in suits commenced by complaint or warrant, shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons, as in civil cases triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Jury trial may be required.

Jury, of whom to consist, etc.

Fines, to whom paid and disposition of.

SEC. 18. All fines imposed for the violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within ten days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury. Fines paid into the city treasury for violations of the ordinances of the city shall be disposed of as the common council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city, and shall be governed in amount by the laws of the State in relation to fees of justices of the peace, sheriffs, constables and witnesses in civil and criminal cases. Each justice of the peace of said city, in addition to any other security required by law to be given for the performance of his official duties, shall,

Expenses for apprehending and punishing violators, how paid.

Bond of justice to city.

before entering upon the duties of his office, give a bond to the city in the penalty of two hundred dollars with sufficient sureties, to be approved by the common council, conditioned for the faithful performance of the duties of justice of the peace within and for said city, and to pay over to the city treasurer all moneys collected by or paid to him for the city, which bond shall be filed in the office of the city clerk.

SEC. 19. The marshal of said city shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require; he shall be chief of the police and it shall be his duty to serve all process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the common council are promptly and efficiently enforced; he shall obey all the lawful orders of the mayor or common council, and may command the aid and assistance of all constables and all other persons in discharge of the duties imposed upon him by law; he may appoint such number of deputies as the common council shall direct and approve, who shall have the same power [powers] and perform the same duties as the marshal, and for whose official acts he shall be in all respects responsible; and the marshal and his deputies shall have the same power to serve and execute all process on behalf of the corporation of said city, or of the people of this State, as sheriffs or constables have by law to execute similar process, and shall be entitled to the same compensation thereof [therefor].

Marshal,
powers, duties
and compensa-
tion of.

SEC. 28. It shall be the duty of the mayor to take care that the laws of the State and the ordinances of the common council be faithfully enforced and executed; and it shall be the duty of every alderman in said city to attend the regular and special meetings of the common council, to act upon committees when thereunto appointed by the mayor or common council, to order the arrest of all persons violating the laws of this State or the ordinances, by-laws or police regulations of the city, and to perform all other duties required of them by this act.

Duty of common
council. —

SEC. 31. The common council shall have power to regulate the time and manner of working upon the streets, lanes and alleys in said city; to provide for the grading, paving, planking and railing of all streets, lanes and alleys, sidewalks and crosswalks, and to prescribe the width thereof; to lay out and open all streets, lanes and alleys, parks and public grounds, and the same to alter and vacate; and to alter and vacate those already laid out; to cause sewers, drains and vaults, arches and bridges, wells and pumps and reservoirs to be built in any part of said city; to cause the grading, leveling and repairing of all streets and alleys, sidewalks, crosswalks, parks and public grounds in said city, and to prevent the obstruction or incumbering thereof.

Power of com-
mon council
relative to
grading streets,
etc.

SEC. 33. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs and improvements upon the highways, streets, sidewalks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and

Duty of street
commissioner.

parks within the said city as the common council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the common council. He shall make a report to the council, in writing and on oath, once in each month, or oftener, giving an exact statement of all labor performed by him or under his supervision, and the charges therefor, the amount of material used and the expense thereof, and the street or place where such material was used or labor performed, and further showing the items and purposes of all expenses incurred since his last preceding report; and no payment for labor or service [services] performed, or for expenses incurred by him shall be made until reported on oath as aforesaid.

Power of council relative to expense of grading streets, etc.

SEC. 34. The common council shall have power to cause the expense of making, paving, grading and opening of streets, lanes, alleys, sidewalks, parks, public grounds, sewers and other local improvements, to be assessed in whole or in part against the owners or occupants of property to be especially benefited thereby, or by general tax in whole or in part as they may deem just and proper; and the said common council, in addition to the manner provided by this charter, shall also have full power to provide by ordinance for the construction and repair of side and crosswalks in said city, and for the levy and collection of the taxes to defray the expenses of the same, and for the sale and return of the lands delinquent for such taxes in any manner that shall be deemed reasonable and just: *Provided*, That lots and premises hereafter assessed for the paving of any street may be exempt from the payment of any highway tax for a period of not exceeding fifteen years, said period to be determined by the common council.

Proviso.

Board of health.

SEC. 45. The common council of said city shall have power and it shall be their duty to adopt measures for the preservation of the public health of said city, and to restrain or prohibit the exercise of any unwholesome or dangerous avocations within the limits of the city. It shall be the duty of said common council on the second Monday of May, in the year eighteen hundred and eighty-seven, or as soon thereafter as may be, to appoint, on nomination of the mayor, a board of health for said city, to consist of two members so appointed, and the health officer of the city who shall be president of the board. Of said board so

How appointed.

Terms of office.

Powers and duties of.

appointed one member shall hold his office for the term of one year and one member for the term of two years, and thereafter in each year, at the time aforesaid, a member of said board shall be appointed in the manner aforesaid to take the place of the member whose term of office expires, and who shall hold his office for the term of two years. The said board of health shall have power, and it shall be their duty to take such measures as they shall deem effectual, to prevent the entrance of any pestilential or infectious disease into said city; to stop, detain and examine for that purpose every person coming from any place infected or believed to be infected with such a disease; to establish, maintain and regulate a pest-house or hospital, or both, at some place in said

city, or not exceeding three miles beyond its limits or bounds; to abate all nuisances of every description which are or may be injurious to the public health in any way and manner they may deem expedient, and from time to time to do all acts, make all regulations, and recommend to the common council to pass such ordinances as they shall deem necessary or expedient for the preservation of health and the suppression of disease in said city, and to carry into effect and execute the powers hereby granted. Said board of health shall also have and exercise within and for said city all the powers and authority conferred upon boards of health by chapter forty-six of the compiled laws of eighteen hundred and seventy-one, so far as the same are applicable and consistent with this act, and such power [powers] as are now or may hereafter be granted to boards of health by the general laws of the State. The said health officer shall have such powers, and perform such duties as are conferred upon or required of health officers of cities and townships appointed under the general laws of the State, and shall perform such other duties pertaining to his office as may be required by the board of health of said city.

Powers and duties of health officer.

SEC. 46. Every keeper of an inn or boarding house or lodging house in said city, who shall have in his or her house at any time any person sick with any infectious or pestilential disease, shall report the fact and the name of the person, in writing, within six hours after such sick person came to the inn or house or was taken sick therein, to some officer or member of the board of health. Every physician in said city shall report under his hand to the health officer the name, residence and disease of every patient whom he shall have sick with any infectious or pestilential disease, within six hours after he shall have visited such patient. A violation of either of the provisions of this section or any part of either shall be a misdemeanor, punishable by fine or imprisonment or both, the fine not to exceed one hundred dollars, nor the imprisonment three months.

Reporting of contagious diseases, etc.

Penalty for neglect to report.

SEC. 47. The board of health shall hold regular meetings on the last Tuesday of each month, and special meetings at the call of the health officer. The city clerk shall be the clerk of said board and keep a correct record of its proceedings. The members of said board of health shall receive such compensation for their services as the common council shall deem reasonable.

Meetings of board of health.

Clerk of board.

Compensation.

SEC. 48. The common council shall have power, by a two-thirds vote of all the members elect, to contract with persons or corporations starting new manufacturing enterprises within said city to remit all general local taxes on the property, real and personal, of such persons or corporations actually used for the purpose of such new manufacturing enterprises, for such a period, not exceeding ten years, as the common council may deem for the interest of the city.

Power of council to remit taxes on certain manufacturing factories.

SEC. 49. The common council shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the property and person [persons] of the citizens against damages

Power of council relative to fees, etc.

[damage] and accident resulting therefrom; and for this purpose to establish and maintain fire, hose and hook and ladder companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen, and officers thereof; and for the care and management of the engines, hose, apparatus, property and buildings pertaining to the department; and prescribing the powers and duties of such employés, firemen and officers. They shall also have such further powers and duties in relation to fires and the prevention thereof and to the fire department of said city as are conferred by the provisions of chapter twenty-nine of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," approved April twenty-nine, eighteen hundred and seventy-three, being subdivision twenty-nine of chapter eight [eighty, I] Howell's Annotated Statutes, or which are now or may be at any time hereafter conferred by the general laws of the State.

Additional
compensation of
officers, etc.
Proviso.

Further
proviso.

Proviso relative
to vote of
electors on
salary of
council.

SEC. 58. The officers of said city shall be entitled to receive, in addition to the fees and perquisites allowed by law, such sums as the common council shall allow for their services: *Provided*, That justices of the peace, supervisors and constables shall be allowed the same fees as are allowed by law to corresponding township officers: *And provided further*, That the mayor and aldermen shall receive the sum of one hundred dollars each per year for their services: *Provided*, That a proposition for the payment of such salary of one hundred dollars each to the mayor and aldermen shall first be submitted to the qualified electors of said city at the annual city election for the year eighteen hundred and eighty-eight, due notice of which election must be posted in five public places in said city, and published in one or more newspapers in said city at least two weeks previous to said election. The vote upon such proposition shall be by ballot, either written or printed or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "Salary for mayor and aldermen—Yes;" and ballots against the same shall be in the following words: "Salary for mayor and aldermen—No."

Rights acquired,
etc., not im-
paired by this
act.

SEC. 61. Nothing herein contained shall be construed to destroy, impair or take away any rights or remedy acquired or given by any section of the charter of the city of Flint hereby amended or repealed; and all proceedings commenced under such section [sections,] before amendment, shall be carried out and completed, and all prosecutions for any offense committed or penalty or forfeiture incurred shall be enforced in the same manner as if this act had not been passed; but nothing in this act contained shall be construed to impair or annul or affect any ordinance or by-law or resolution of said city, not inconsistent with the provisions of this act, but the same shall continue and be in force until the same are repealed or annulled as fully as though this act had not been enacted; and all officers now elected to or holding office in

said city shall hold the same for the time for which they were elected.

Officers to remain in office.

SEC. 64. In addition to the powers conferred by this act, the common council of the city of Flint shall have and may exercise all the powers now conferred or that may hereafter be conferred on the common council of cities by the general laws of the State, when not inconsistent herewith.

Common council to have all powers, etc., conferred by general law.

SEC. 65. The common council shall be and is hereby authorized and empowered to raise by taxation a sum of money not exceeding five thousand dollars for the year eighteen hundred and eighty-eight, to be used, laid out and expended under the direction of said common council, to encourage the establishment of

Authority of council to raise money to encourage manufactories.

manufactories in said city: *Provided*, That a majority of the electors of said city voting at an annual or special election shall vote in favor of raising such tax in the manner herein specified, and not otherwise. The electors voting in favor of raising such tax shall have written or printed on their ballots the words: "For the improvements—Yes;" and those voting against the same shall have written or printed on their ballots the words: "For the improvements—No." In case the said tax shall be authorized, in the manner aforesaid by the electors aforesaid, and the common council shall vote the raising thereof, the same shall be assessed, levied and collected in the same manner as other city taxes shall at the time be required by law to be assessed, levied and collected.

Proviso as to vote of electors.

This act is ordered to take immediate effect.

Approved June 6, 1887.

[No. 494.]

AN ACT to incorporate the public schools of the township of Onota in the county of Alger.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced in the township of Onota, in the county of Alger, be and the same is hereby organized, enacted and declared to be a single school district which shall be a body corporate by the name and style of the "Public school of the township of Onota," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relative to corporations so far as the same may be applicable, and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act, under the directions and regulations of said board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty

Township of Onota incorporated into a single school district.

Powers and privileges of district.

years inclusive, and to such other persons as the board of education shall admit.

Officers of district.

How elected.

Provided as to first and subsequent elections.

SEC. 2. The officers of said district shall consist of two trustees who, together with the clerk and school inspectors of said township, shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township of Onota upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That at the annual election to be held in said township in the year eighteen hundred and eighty-seven, there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office for the term of one year and the other one for the term of two years, and until their successors shall be elected and qualified, and the time for which the person voted for is intended shall be designated on the ballot, and at each election thereafter to be held one trustee shall be elected in said district who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot for "Member of board of education."

Notice of election to and oath of office of trustees.

SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk. The term of office of the trustee of said district shall commence on the second Monday following the annual township election at which they are elected.

Meeting of board of education and organization of.

SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk, and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board, and shall be entitled to vote in all cases. In the absence of the president at any meeting, a majority of the members present may choose one of their own number president *pro tem*. The township clerk of said township of Onota shall be *ex officio* clerk of said board of education and shall be entitled to vote thereon, and in case of the absence of said clerk, the board may choose some suitable person to perform his duties. Said board shall, on said third Monday of April in each year, elect from their own number a treasurer who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer: *Provided*, That the person appointed to fill a vacancy in the office of treasurer shall only hold the office for the unexpired portion of the term. The treasurer of the said board shall within five days after his appointment as such treasurer file with the clerk of said board the constitutional oath of office. He shall also, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, con-

Provido.

Bond of treasurer.

ditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.

Vacancies in office of trustee, how filled.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meeting of said board shall be held on the third Monday of April, August, December and March in each year, and notice of such meeting shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president or any two members thereof in writing delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All the meetings of said board shall be held at the township clerk's office, unless otherwise ordered by resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any tax-payer of said district.

Quorum and meetings of board.

Where held, etc.

SEC. 7. The said board shall be the board of school inspection for said district, and shall as such report to the clerk of the county of Alger, and shall have all the powers and perform all the duties now enjoined and performed by the board of school inspectors of the township of Onota, and the president of said board shall perform all the duties now performed by the chairman of the board of school inspectors of Onota township, and the powers of the board of school inspectors are hereby abolished, except as its powers are vested in said board of education.

Board to have powers, etc., of board of school inspectors.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house site, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment of teachers duly and legally qual-

Power and authority of board of education

ified; relative to the regulations of schools and the books to be used therein, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of a thorough education of the children thereof. It shall be the duty of said board to apply for and receive from the county treasurer, or other officer holding the same, all moneys appropriated for primary schools and district library of said district.

Amount of money to be raised for school purposes, how determined.
 Proviso.
 When not so determined.

SEC. 9. At each annual township meeting held in said township of Onota, the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: *Provided*, That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of Onota township, who shall spread the same upon the regular tax-roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, that for purchasing school lots and for erecting school-houses, no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

Proviso.

Taxes.

SEC. 10. All taxes assessed within said township of Onota for school purposes, shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Township treasurer to report to board of education, etc.

SEC. 11. The treasurer of the township of Onota shall, at any time, at the written request of said board of education, report to said clerk the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

Board to make annual statement, contents of.

SEC. 12. The said board shall annually on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board, and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of the said township of Onota at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock, noon.

Property and liabilities of district.

SEC. 13. All school property, both real and personal, within the limits of the township of Onota, shall by force of this act, become the property of the public schools of the township of Onota hereby organized, and all debts and liabilities of the primary school district of said township of Onota, as they existed

prior to the taking effect of this act, shall become the debts and liabilities of said public schools of the township of Onota.

SEC. 14. All money raised or being raised by tax, or accrued or accruing to the school districts of said township as organized under the primary school laws of this State, shall hereby become the money of the public schools of the township of Onota, and no tax now ordered assessed or levied for school purposes in said township, or other proceedings, shall be invalidated or affected by means of this act.

Moneys, etc., of districts to become property of public schools of town.

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding one hundred dollars each per annum.

Compensation of board of education.

SEC. 16. When any township district shall be divided into two or more townships, the existing board of education shall continue to act for all the townships until the same shall be organized, and township boards of education duly elected and qualified therein. Immediately after such organization the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships interested shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township.

In case of division of township, etc.

This act is ordered to take immediate effect.

Approved June 6, 1887.

[No. 495.]

AN ACT to amend section two of chapter one of act number two hundred and twenty-three of the local acts of eighteen hundred and eighty-three, entitled "An act to incorporate the city of St. Ignace," approved March fourteen, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* section two of chapter one of act number two hundred and twenty-three of the local acts of eighteen hundred and eighty-three,

Section amended.

entitled "An act to incorporate the city of St. Ignace," approved March fourteen, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Wards. SEC. 2. Said city shall be divided into four wards, viz: First, second, third and fourth. The first ward shall be composed of that portion of said city lying in private claim number one to eight, inclusive. The second ward shall be composed of that portion of said city lying in private claim number nine to sixteen inclusive. The fourth ward shall be composed of that portion of said city lying in private claim number seventeen and eighteen, and the third ward shall be composed of all the remainder of the territory of said city.

This act is ordered to take immediate effect.

Approved June 6, 1887.

[No. 496.]

AN ACT to authorize the township of Portland, Ionia county, to borrow money to be used in the construction of a bridge and to issue bonds therefor.

Township board authorized to raise money. SECTION 1. *The People of the State of Michigan enact,* That the township board of the township of Portland, Ionia county, be and is hereby authorized and empowered to borrow on the faith and credit of said township a sum not exceeding five thousand dollars, for a term not exceeding four years, at a rate of interest not exceeding seven per centum per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Bonds.

If electors so determine by vote.

Special election.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township voting at a special election to be called for the purpose of voting on said bonds, shall so determine; and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written notice, and by posting said notice in five public places in said township not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

Vote to be by ballot, form of, etc.

SEC. 3. The vote upon such proposition shall be by ballot, either written or printed or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the bridge loan—Yes;" and the ballots against the same shall be in the following words: "For the bridge loan—No." And it shall be the duty of said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots for and against such proposition, printed or written in the form above indicated,

to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other regular township elections, and immediately upon the conclusion of such canvass the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively, and not later than the day following such election said inspectors shall endorse upon such certificate a declaration in writing over their hands and seals of such election, which declaration and certificate shall then forthwith be filed with the township clerk of said township to be preserved by him among the archives of said township, and a copy thereof, certified to by said township clerk, shall be by him filed with the clerk of said Ionia county.

Conducting election, canvass of results, etc.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of an iron bridge over Grand river in the village of Portland, in town six north, of range five west, where James street crosses said river; and in constructing and grading the approaches thereto, and for no other purpose whatever, and in the case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year; but no more than two thousand dollars of such principal shall be made to become due in any one year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due and on presentation to him of the proper bonds.

How money to be expended.

Money for payment of bonds, etc., how raised and paid.

This act is ordered to take immediate effect.

Approved June 6, 1887.

[No. 497.]

AN ACT to amend sections two, three, five, nine, eighteen, nineteen, thirty-eight, forty-three, fifty-seven and eighty-four of act number two hundred and forty-nine of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena," approved March twenty-ninth, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact, That* sections two, three, five, nine, eighteen, nineteen, thirty-eight, forty-three, fifty-seven and eighty-four of act number two hundred and forty-nine of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the city of Alpena,"

Sections amended.

approved March twenty-ninth, eighteen hundred and seventy-one, as amended by the several acts amendatory thereof, be and the same is hereby amended so as to read as follows:

Wards.
First ward.

SEC. 2. Said city shall be divided into three wards. The first ward shall include all that part of the city included in the following boundaries, to wit: Commencing at a point in the center of Thunder Bay river, opposite a line between lots seven and thirty-seven, in block eight; thence along between said lots seven and thirty-seven to Third street; thence along the center of said Third street to the section line road, on section line between sections twenty-two and twenty-seven; thence west on said section line to the center of Thunder Bay river; thence along the center of Thunder Bay river to the west line of section twenty-eight; thence south on west line of section twenty-eight to the southwest corner of said section; thence east on south line of sections twenty-eight and twenty-seven to the shore of Thunder Bay; thence along the shore of Thunder Bay to the center of Thunder Bay river; thence up the center of Thunder Bay river to the place of beginning. The second ward shall include all that part of said city within the following boundaries: Commencing at a point in the center of Thunder Bay river, opposite a line between lots seven and thirty-seven, in block eight; thence along said line to Third street; thence along the center of Third street to the section line between sections twenty-two and twenty-seven; thence west on said section line to the center of Thunder Bay river; thence down the center of Thunder Bay river to the place of beginning. The third ward shall include all that part of said city lying north of Thunder Bay and Thunder Bay river. Each ward shall be an election district by itself, but it shall be lawful for the common council, during the month next preceding the notice of a general registration, to divide the several wards of the city, or any of them, into convenient election precincts for the purpose of the holding of general and special elections; and in case any ward or wards shall be so divided, the provisions of the general laws of this State, and of this act, relating to elections other than in towns, shall be applicable except as herein otherwise provided; and also provide for inspectors of election and board of registration therein.

Second ward.

Third ward.
Election districts.

Election of city officers.

SEC. 3. The following officers of the corporation shall be elected at the annual city election, on a general ticket, by the qualified electors of the whole city, viz: A mayor, one comptroller who shall be *ex-officio* assessor of the city, one recorder, one treasurer who shall be *ex-officio* collector, and three justices of the peace; in each ward two supervisors, two aldermen, two members of the board of education, and a constable shall be elected. The mayor and treasurer shall be elected bi-annually, and shall hold their offices for two years from the second Monday of April of the year when elected and until their successors are elected and qualified. The first election of the mayor and treasurer hereunder shall be held on the first Monday in April, in the year of our Lord eighteen hundred and eighty-eight. The comptroller and recorder shall

Ward officers.

Terms of office of mayor and treasurer.

First and other elections and terms of office.

be elected bi-annually, and shall hold their offices for two years from the second Monday in April of the year when elected and until their successors are elected and qualified. One justice of the peace shall be elected annually, who shall hold his office for three years. Justices of the peace elected for the full term of three years shall enter upon the duties of their offices on the fourth day of July next after the election. The term of office of the supervisors shall be for two years, commencing with the second Monday in April of the year when elected, and until their successors are elected and qualified: *Provided*, That at the annual election to be held in said city in the year eighteen hundred and eighty-eight there shall be elected two supervisors in each ward by the electors thereof, one of whom shall hold his office for the term of one year and the other for the term of two years, the said terms to be designated on the ballot by the electors, and at each annual election thereafter to be held one supervisor shall be elected in each ward by the electors thereof, who shall hold his office for two years as aforesaid.

Provided as to supervisor.

SEC. 5. The annual election under this act shall be held on the first Monday of April of each year, at such place or places in each of the several wards as the common council may designate. Notice thereof shall be given by the recorder at least eight days before the election by publishing the same in some newspaper published in said city. The aldermen and supervisors of each ward shall be inspectors of such election and they shall also be inspectors of the State and county election and shall choose the clerk thereof; and in case of the absence of one or more of such inspectors, or if no inspectors have been elected or appointed, the electors present may choose *viva voce* from their number one or more to fill such vacancy or vacancies, to whom shall be administered the constitutional oath by either of said inspectors or by any justice of the peace. The manner of conducting all elections and canvassing the votes and qualifications of electors in the several wards shall be the same as that of townships, the word "ward" instead of "township" being used in the oath to be administered to an elector in case his vote shall be challenged: *Provided*, That at such charter election the said ward inspectors shall make one certificate of the number of votes given for each person for the several offices to be filled in and for said city, and also one certificate of the officers elected in and for each ward, which certificate shall be immediately filed in the office of the recorder of said city; and upon Tuesday next following the day of such election, the common council shall meet at the office of said recorder and thereupon determine who, by the greatest number of votes given in the several wards at such election, are duly elected to fill the respective city offices; and it shall be the duty of said recorder immediately after such determination to cause notice to be given to each of the persons elected of their election, and each of said officers so elected and notified shall within ten days thereafter take and subscribe the constitutional oath of office before any person authorized to administer oaths, and shall deliver

Annual election, general provisions for.

Provided.

Proviso. the same to the said recorder who shall file the same in his office: *Provided*, That in case of the election of one or more justices of the peace, the said recorder shall make a certificate thereof and cause it to be delivered to the county clerk in the same manner as is required of township clerks; and in case two or more shall receive for the same office an equal number and not a plurality of votes given at such election. the common council shall immediately proceed to determine by lot between the persons receiving the highest number of votes which shall be considered elected to such office. In case any of the officers elected shall neglect for a term of ten days to qualify as aforesaid the office shall thereby become vacant.

Additional powers and duties of common council as to finances, etc. SEC. 9. The common council, in addition to the powers and duties specially conferred on them by this act, shall have the management and control of the finances, rights and interests, buildings and all property, real and personal, belonging to the city and make such orders, by-laws or ordinances relating to the same as they shall deem necessary and proper. They shall also have power within the limits and jurisdiction of said corporation:

Purity of waters of Thunder Bay, etc. *First*. To provide for and preserve the purity and salubrity of the waters of Thunder Bay and Thunder Bay river; to prohibit and prevent the depositing therein saw-dust, slabs, shingle shavings, edgings and all filthy and other matter tending to render said waters impure, unwholesome or offensive; to preserve and regulate the navigation of said river and other navigable waters within the limits of said city; to prohibit and prevent the depositing or keeping therein any structure, earth or substance tending to obstruct or impair the navigation thereof, and remove all obstructions that may at any time occur therein, and to direct and regulate the stationing, anchoring, moving, shifting and mooring of vessels and laying out of cargoes and ballast from the same, and to appoint so many harbor-masters as they may deem necessary and to prescribe their powers, duties and compensation;

Ferries and bridges. *Second*. To license, continue and regulate so many ferries and bridges within said city over Thunder Bay river, for carrying and transporting persons and property across said river, in such manner as shall seem most conducive to the public good;

Wharves, etc. *Third*. To erect, construct, repair and regulate public wharves, docks and bridges at the ends of streets and on the property of the corporation, and issue the bonds of the city therefor; to regulate the erection and repair of private wharves and docks so that they shall not extend into the Thunder Bay and Thunder Bay river beyond a certain line to be established by the common council, and to prohibit the incumbering of all public docks, wharves and bridges within the limits of said corporation;

Idem. *Fourth*. To lease the wharves and wharfing privileges at the ends of streets on Thunder Bay river and shore of Thunder Bay, in said city, upon such terms and conditions, and under such covenants, and with such remedies in case of non-performance as the common council may direct; but no building shall be erected thereon and no lease thereof shall be executed for a longer period

than twenty years, and a free passage shall at all times be secured for all persons, with their baggage, over said public wharves;

Fifth, To provide for the draining of any swamp, marsh, wet or low lands in said city by the opening of ditches; but a jury of not less than twelve disinterested freeholders of the county of Alpena, before any proposed ditch can be opened, shall ascertain that the opening thereof is necessary or proper; also, whether the benefit which will accrue to the owner or owners of any land from the opening of the ditch will or will not be equal to any damages he or they will sustain thereby. If such benefits are exceeded by the damages, they shall ascertain and certify the damages to which the owner or owners will be entitled, after deducting therefrom the amount of benefit their lands will receive from the opening of the proposed ditch. On payment or tender of the damages thus ascertained and certified, the common council shall have the power to enter upon any land through which the proposed ditch will run, with the necessary agents, teams and implements to cut and open said ditch; to protect, clean and scour it from time to time so as to preserve its original dimensions, and to prohibit and prevent all obstructions thereof or injury thereto;

Drainage, etc.

Sixth, To prohibit and prevent the location, construction, repair or the building of any addition thereof to any wooden or frame house, store, shop or other building on such streets, alleys and places, or within such limits within said city as the common council may from time to time prescribe; to prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot in such streets, alleys and places or within said limits and the repair and rebuilding of the same; to prevent the rebuilding and repairing of wooden buildings on said streets, alleys and places or within said limits when damaged by fire or otherwise;

Fire limits.

Seventh. To appoint one or more inspectors, measurers, weighers and gaugers of articles to be measured, inspected, weighed and gauged; to prescribe and regulate their powers and duties, fees and compensation;

Inspectors of weights and measures.

Eighth, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing, in vessels or in other mode, to said city from any other port or place, any pauper or other person likely to become a charge upon said city, and to punish therefor;

Paupers.

Ninth, To erect and provide for the erection of a city hall, and all needful buildings and offices for the use of the corporation or its officers, and to control and regulate the same, and to purchase the necessary real estate on which to erect the same;

City buildings.

Tenth, To prevent vice and immorality; to preserve public peace and good order; to appoint, organize, regulate and maintain a police of the city and to prevent and quell riots, disturbances and disorderly assemblages and conduct;

Vice and immorality.

Eleventh, To restrain and prevent disorderly and gaming houses and houses of ill-fame, and the persons engaged in keeping the same; the holding, keeping or using of all instruments and

Disorderly houses, etc.

devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate, license or restrain billiard tables and bowling alleys;

Liquors.

Twelfth. To prohibit the vending or giving away of spirituous or fermented liquors, and to license and regulate the sale thereof, whenever such sale shall hereafter be authorized by the laws of the State;

Drunkards, etc.

Thirteenth. To apprehend, restrain and punish all drunkards, vagrants, mendicants, street beggars, prostitutes and persons soliciting alms or subscriptions for any purpose, and to punish and prevent all intoxication and disorderly conduct;

Exhibitions, etc.

Fourteenth. To prohibit and prevent or license and regulate the public exhibition by itinerant persons or companies of natural or artificial curiosities, caravans, circuses, menageries, theatrical representations or companies, concerts, musical entertainments, exhibitions of common showmen and dollar stores, and prohibit and prevent mock auctions, gift stores or enterprises and lotteries;

Nuisances.

Fifteenth. To prohibit, prevent, abate and remove all nuisances within said city, and to compel the owner or occupant of any grocery, tallow chandler's shop, butcher's shop or stall, soap factory, glue factory, tannery, slaughter-house, stable, privy, hog-pen, sewer or other offensive house or place, to cleanse, remove or abate the same as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city;

Location of slaughter-houses, etc.

Sixteenth. To direct and regulate the location and maintenance of all slaughter-houses, markets and buildings for storing gunpowder and other combustible substances, and to prohibit or regulate the buying, selling, keeping for sale, storing and transporting gunpowder, naphtha, saltpetre, benzine, benzole, petroleum, kerosene oil, fire-crackers, fire-works and all other combustible substances, and the using thereof; the use of lights in barns, stables and other buildings, and the making of bonfires;

Incumbering of streets, etc.

Seventeenth. To prevent the incumbering or obstruction of streets, side or crosswalks, lanes, alleys, bridges, wharves or slips, in any manner whatsoever, and to compel persons owning or occupying adjoining premises to keep the streets and sidewalks in front of such premises free from dirt and obstructions;

Immoderate driving, etc.

Eighteenth. To prevent immoderate riding or driving in any street; to compel persons to fasten or secure their horses, oxen, or other animals, while standing in any of the streets, lanes or alleys of the city; and to prevent persons from riding or driving upon or across any sidewalk, and to compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood, or other obstructions;

Dogs.

Nineteenth. To prevent and regulate the running at large of hogs [dogs]; to impose taxes for the keeping of dogs; to require them to be muzzled, and to authorize their destruction when running at large in violation of any ordinance;

Railroads.

Twentieth. To restrain and regulate the use of locomotives, engines and cars upon the railroads within the city, and to

determine, designate or cause to be changed, the routes and grades of any railroad now in or hereafter to be laid in any street in said city; to authorize and regulate the construction and running of street railways in any of the streets in said city;

Twenty-first, To prohibit and prevent, in the streets or elsewhere in said city, indecent exposure of the person; to [the] show, sale or exhibition of any indecent or obscene books, pictures or pamphlets, and all indecent and obscene exhibitions or shows of any kind, and all indecent, immoral, profane or disorderly conduct or language, and to prohibit or regulate the bathing in any public waters within or adjoining said city; Indecent exposure, etc.

Twenty-second, To establish, regulate and maintain one or more pounds; and to restrain and prevent or regulate the running at large of horses, cattle, swine and other animals, geese and poultry; and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding; Pounds, etc.

Twenty-third, To prevent every species of gambling, and to prevent the violation of the Sabbath and the disturbance of any religious congregation, or any other public meeting assembled for any lawful purpose; Gambling, etc.

Twenty-fourth, To protect and regulate all cemeteries or grave-yards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of bills of mortality; Cemeteries, etc.

Twenty-fifth, To prohibit the bringing or depositing within the limits of said city any dead carcass or other unwholesome or offensive substances [substance], and to provide for the removal or destruction thereof wheresoever found; Depositing unwholesome substances, etc.

Twenty-sixth, To lay out, establish, make, alter and regulate market-places and public parks or grounds, and regulate the measuring and selling of fire-wood and the weighing and selling of hay, and the selling of meats, vegetables, fish, fruits and provisions of all kinds; Market-places, parks, etc.

Twenty-seventh. To regulate the setting of awning and other posts, and to direct and regulate the planting of shade or ornamental trees in the streets and other public grounds, and to provide for the preservation of the same; Trees, awnings, etc.

Twenty-eighth, To provide for calling of meetings of the electors of the city, and to determine and regulate the compensation of all officers elected or appointed under this act, except as is herein otherwise provided; but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a three-fourths vote of the common council; to authorize and regulate the demand and receipt by officers of such fees and costs, and in such cases as the common council shall deem reasonable, and to prescribe, fix, determine and regulate the powers and duties of all officers of the city, subject to the provisions of this act; Calling meetings, compensation of officers, etc.

Twenty-ninth, To survey, ascertain and establish the boundaries of the city, and of all highways, streets, avenues, lanes, alleys, Boundaries, streets, etc.

parks, squares and spaces in said city; to prohibit and remove all encroachments upon the same in any manner, and to number the buildings;

Licensing
hotels, etc.

Thirtieth, To license and regulate the keeping of hotels, taverns and other public houses, groceries and keepers of ordinary saloons, and victualing and other houses or places for furnishing meats, food or drink, and to regulate and restrain the keepers of billiard tables and bowling alleys; also, to license and regulate or prohibit auctioneers, hawkers, peddlers and pawnbrokers, and regulate auctions, hawking, pawnbrokerage: *Provided,* That no license be granted for sale of intoxicating liquors;

Proviso.

Butcher shops,
draymen, etc.

Thirty-first, To license and regulate butchers and keepers of shops, stalls and stands for the sale of meats, vegetables and provisions of all kinds, and all draymen, common teamsters, hackmen and all persons who carry to [or] transport persons or property for hire; to designate stands for all carriages, carts, or drays used in carrying persons or property for hire, and prescribe their fare and compensation;

Weights and
measures.

Thirty-second, To regulate the weights and measures used in the city; to appoint one or more sealers of weights and measures, and prescribe the duties and powers thereof, and the penalty for using false weights and measures, not conforming to the standard as established by the laws of this State;

Taxes.

Thirty-third, To assess, levy and collect taxes for the purpose of the corporation, upon all property made taxable by law for State purposes, which taxes shall be a lien upon the property taxed until paid; to appropriate money provided for the payment of the debts and expenses of the city, and make regulations concerning the same;

Punishment of
offenders.

Thirty-fourth, To punish all offenders for violation of or offenses against this act, or any by-law or ordinance of the common council adopted or passed under this or any other act of the legislature, by holding to bail for good behavior, by imposing fines and costs and by imprisonment in the jail of Alpena county, or any jail, prison or work-house of said city, or by imprisonment in the Detroit house of correction or State house of correction and reformatory at Ionia, or by either such fine or imprisonment, in the discretion of the court before which such conviction may be had. If only a fine is imposed, with or without costs, the offender may be sentenced to imprisonment until the payment thereof, for a term not exceeding three months. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no fine shall exceed three hundred dollars, and no imprisonment shall exceed one year;

Employment
of prisoners.

Thirty-fifth, To employ all persons confined for the non-payment of any fine, penalty, forfeiture, or costs, or for any offense under this act, or any ordinance of the common council, in any jail, work-house or prison, any work or labor, either within or without the same, or upon any street or public work under the control of the common council and at the expense of said city;

to allow any person thus confined for the non-payment of any fine, penalty, forfeiture or costs, to pay and discharge the same by such work and labor, and to fix the value and price of such work and labor at not less than one dollar for each day of labor of eight hours. The said common council shall have power to make all such other by-laws, ordinances and regulations as they deem necessary for the safety and good government of the city, and to preserve the health and property of the inhabitants thereof. They shall also have power to purchase for the use of the city, so much land without the limits of the city as may be required for the purpose of a cemetery, the same to be located not exceeding four miles beyond the boundary of the city; and in case said council is unable to agree with the owner or owners for the purchase of such land, they shall have the right to acquire the title to the same for the city in the manner and by the proceeding, as near as may be, as is prescribed in this act relative to laying out or altering streets, lanes or alleys;

Other by-laws,
etc.

Thirty-sixth. To appoint four citizens of Alpena, who are qualified electors, to serve as a board of police commissioners, without compensation; fix their term of office and define their duties.

Police
commissioners.

SEC. 18. All meetings of the common council shall be public, and it shall cause to be kept a record of its proceedings, which, with all other records of said city, shall be kept open to public inspection at reasonable times. The concurrence of a majority of all the aldermen elect shall be necessary to pass any ordinance; and no ordinance granting rights, privileges, or franchises to any person or corporation shall be adopted, amended or repealed without the concurrence of two-thirds of all the aldermen elected. On the same day, or the next day after the passage of any ordinance, the recorder of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor or other person performing for the time being the duties of his office, unless he omit to return it to the recorder with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage by such two-thirds vote. At the time of presenting any ordinance to the mayor for his approval, the recorder shall certify thereon, and also in the journal of [or] record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance, and whether approved or with objections, and shall, at the next meeting of the council, report any ordinance returned with objections thereto. No ordinance shall be revived unless the whole, or so much as is intended to be

Meetings of
council to be
public.

Ordinances, etc.

revived, shall be re-enacted. When any section of an ordinance is amended the whole section as amended shall be re-enacted. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the recorder in a book to be called the "Record of Ordinances," and it shall be the duty of the mayor and recorder to authenticate the same by their official signatures upon such record. Within ten days after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the recorder shall, immediately after such publication, enter on the record of ordinances, in a blank space to be left for such purpose under the recorded ordinances, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Assessment of
expense of
grading, etc.

SEC. 19. The common council shall have power to cause the expense of making, grading, paving and opening streets, lanes and alleys, of grading, paving or planking sidewalks, or making drains and sewers and other local improvements, to be assessed against the owners of the lots or premises which are in front of or adjoining such improvements, and against any other lot or premises which are in the opinion of the common council benefited thereby; or by general tax, or by part special and in part general tax, as they may deem just and proper: *Provided, however*, That no such special assessment shall be made unless a petition shall be presented to the common council, signed by the owners of at least three-fourths of the property to be assessed, asking for such improvement to be done by special assessment: *And provided further*, That no such special assessment shall be made without a concurrence of all the aldermen elect. The common council shall also have the power to cause the repairing of all sidewalks to be done out of the general street and sewer fund. The common council shall also have the power to make by-laws and ordinances relative to the mode of assessing, levying and collecting such tax, and they may, by such by-laws and ordinances, provide that the real estate assessed for such improvements may be sold to pay such special assessments.

Proviso.

Further
proviso as to
special assess-
ments.

Powers and
duties of
supervisors.

SEC. 38. The supervisors of each ward shall have and exercise within their wards all the powers and duties of supervisors of townships as now provide [provided], or may be hereafter provided by law, except as herein otherwise provided, and each of them shall be a member of the board of supervisors of Alpena county, and as such shall be entitled to the same compensation and paid in the same manner as the other members of said board. The senior supervisor of each ward is hereby designated as the member of the board of review, as provided for in section forty-three of said act, together with the comptroller and city attorney.

Board of
review.

SEC. 43. The comptroller and senior supervisor of each ward in said city and city attorney, shall constitute a board of review, three of whom shall form a quorum. They shall have power and it shall be their duty to examine said assessment and correct

any errors found therein; and, on cause shown, to reduce, equalize or increase the valuation of any property found in said rolls, and to add thereto any taxable property in said city that may have been omitted, and to value the same. They shall meet at such time and place as shall be appointed by the common council, of which time and place notice shall be given by said council at least two weeks prior to the time of meeting, by publishing a notice thereof in some newspaper published in said city, and also by posting the same in three public places in each ward of said city, and shall continue in session at least three days successively, and as much longer as may be necessary, at least six hours in each day during said three days; and any person desiring so to do may examine his or her assessment on said roll, and may show cause, if any, why the valuation thereof should be changed, and the said board shall decide the same, and their decision shall be final; and said board shall keep a record of their proceedings, and all changes made by them in said roll, and their records shall be deposited with the recorder.

Meeting of, etc.

OFFICERS' SALARIES.

SEC. 57. The salaries of all officers, whether elective or appointed, shall be fixed by the common council of said city, at the first regular meeting in the month of March prior to the commencement of the term of such officers; all officers shall receive such salaries as may be fixed by the common council, but not exceeding the following amounts: Mayor, not exceeding two hundred dollars per annum; comptroller, not exceeding one thousand dollars per annum; recorder, not exceeding six hundred dollars per annum; treasurer, not exceeding three hundred dollars per annum and fees; city marshal, not exceeding one thousand dollars per annum and fees; chief engineer, not exceeding three hundred dollars per annum; street commissioner, not exceeding nine hundred dollars per annum; police justice, not exceeding twenty-five dollars per annum and fees; city attorney, not exceeding two hundred and fifty dollars per annum; aldermen, not exceeding one dollar and fifty cents for each attendance upon the meetings of the common council; all other officers, such compensation as may be determined by the common council. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office, unless by a three-fourths vote of all the aldermen elect, and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased by the council: *Provided, however,* That aldermen and supervisors may receive in addition to their salaries such compensation as the council may allow them for services on the board of registration [and] as inspectors of election [elections] and service on committees.

Salaries of officers.

Limit.

Not to be changed during his official term.

Proviso.

Bonds,
proceedings for
issue of.

SEC. 84. Whenever the common council shall deem it necessary to issue the bonds of the city for any purpose, they shall call a meeting of the property holding tax-payers of the city, being electors thereof, by posting notices in five of the most conspicuous places of said city, at least eight days previous to the time of said meeting, also specifying the amount, not exceeding thirty-five thousand dollars, and the object for which it is proposed to issue said bonds. The mayor, or in his absence the recorder, shall preside at such meeting, and the electors present shall choose *viva voce* from among their number the inspectors and clerk of said election, who shall, before proceeding to the discharge of their duties, take an oath or affirmation faithfully to discharge the duties of their respective offices at such election, which oath or affirmation may be administered by any person authorized to administer oaths. Said election shall be conducted in the same manner and the canvass of votes, as near as may be, as other elections under this act. At the close of such election the inspectors shall make two certificates of the number of votes given for and against such issue of bonds, one of which shall be deposited with the recorder of said city, and the other filed in the office of the county clerk for the county of Alpena: *Provided*. That not more than two such meetings shall be called in any one year, and the bonded debt of said city shall not at any one time exceed seventy thousand dollars.

Proviso.

Acts repealed.

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 498.]

AN ACT to change the name of Albert Saunders to Albert Saunders Baldwin and make him the heir-at-law of Edwin Baldwin and Harriet Baldwin.

Name changed.

SECTION 1. *The People of the State of Michigan enact*, That the name of Albert Saunders is hereby changed to Albert Saunders Baldwin, and he is hereby declared the heir-at-law of Edwin Baldwin and Harriet Baldwin, of the township of Courtland, Kent county, Michigan.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 499.]

AN ACT to change the name of Helen C. Buck and the names of each of her four children, Maggie R. Buck, Ella M. Buck, Jessie Buck and Robert C. Buck, to Helen Clark, Maggie R. Clark, Ella M. Clark, Jessie Clark and Robert C. Clark, [respectively].

SECTION 1. *The People of the State of Michigan enact, That* Name changed.
 the name of Helen C. Buck is hereby changed to that of Helen Clark, and that the names of each of her four children, Maggie R. Buck, Ella M. Buck, Jessie Buck and Robert C. Buck, be and the same are hereby changed to Maggie R. Clark, Ella M. Clark, Jessie Clark and Robert C. Clark, respectively.

This act is ordered to take immediate effect.

Approved June 7, 1887.

[No. 500.]

AN ACT to incorporate the city of Marine City in the county of St. Clair, and to repeal act number three hundred twenty-eight of the local acts of eighteen hundred eighty-five, entitled "An act to re-incorporate the village of Marine City," approved April twenty-three, eighteen hundred eighty-five.

SECTION 1. *The People of the State of Michigan enact, That* Territory described.
 the territory in the county of St. Clair and State of Michigan, bounded and described as follows, to wit: Commencing at the northeast corner of fractional section number six in township number three north, of range seventeen east, at the northeast corner of said township (in the middle of the St. Clair river); thence west on the north line of said township to a point eighty rods east of the northeast corner of section number two; thence directly south on a straight line to a point between lands of [owned by] Mary Garry and the Toledo Salt Company; thence southeasterly on the line between lands of Mary Garry and the Toledo Salt Company to the middle of the St. Clair river; thence northeasterly up the St. Clair river to the place of beginning, be and the same are hereby incorporated and made, constituted and organized into a city, to be known as the city of Marine City.

SEC. 2. The said city shall be divided into three wards as follows, to wit: The first ward shall embrace all that portion of the city lying south of the center line of Broadway street between St. Clair and Belle rivers. The second ward shall embrace all that portion of the city lying north of the center line of Broadway street between St. Clair and Belle rivers. The third ward shall embrace all that portion of the city lying west of Belle and St. Clair rivers, and said third ward shall be exempt from taxation for the payment of any portion of the present bonded indebtedness of the village of Marine City, or the interest thereon.

SEC. 3. The said city of Marine City shall, in all things not herein otherwise provided, be governed and its powers and duties defined and limited by an act entitled "An act for the incorporation of cities," being act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, approved April twenty-nine, eighteen hundred and seventy-three, and all acts amendatory thereto, which act is hereby made and constituted a part of the charter of said city of Marine City,

Wards.

First ward.

Second ward.

Third ward.

Excepting the third ward from certain taxation.

Governed by general law.

Proviso.	except as herein otherwise provided: <i>Provided</i> , That chapter twenty-eight of said act number one hundred and seventy-eight entitled "Education," shall not form any part or portion of the charter of said city of Marine City nor have force or effect therein:
Further proviso.	<i>And provided further</i> , This act shall not be construed as in any way changing or interfering with the school districts of the present township of Cottrellville, in said county of St. Clair, as now organized: <i>And provided further</i> , That the said city of Marine City shall in all respects have the same power, duty, and authority within its territory in all matters pertaining to the primary school laws of this State that townships now have under the provisions of law.
Proviso as to power, etc., relative to schools.	
First election.	SEC. 4. The first election in said city shall be held on the second Monday in July, eighteen hundred and eighty-seven, and the manner of holding said first election and the giving notice thereof shall be the same, as near as may be, as is prescribed in sections eleven, twelve, thirteen and fourteen of chapter one of said act, entitled "An act for the incorporation of cities," approved April twenty-nine, eighteen hundred and seventy-three.
Acts repealed.	SEC. 5. Act number three hundred and twenty-eight of the session laws of eighteen hundred and eighty-five, approved April twenty-three, eighteen hundred and eighty-five, entitled "An act to incorporate the village of Marine City in St. Clair county," and all other laws in any way interfering with the proper execution of this act are hereby repealed. This act is ordered to take immediate effect. Approved June 8, 1887.

[No. 501.]

AN ACT to authorize the village of Newaygo in the county of Newaygo to borrow money to make public improvements in said village.

Council authorized to borrow money.	SECTION 1. <i>The People of the State of Michigan enact</i> , That the council of the village of Newaygo in the county of Newaygo, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not exceeding ten thousand dollars, which shall be expended in making public improvements in the way of erecting public buildings in said village of Newaygo: <i>Provided</i> , That a majority of the qualified electors of said village voting at an election to be called in compliance with the provisions of act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, as amended, shall vote in favor of such loan in the manner specified in said act, and not otherwise.
And to issue bonds.	
How money to be expended.	
Proviso as to vote of electors.	
Issue of bonds, etc.	SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sum, not exceeding the

amount hereinbefore limited, and payable at such time, with such rates of interest, not exceeding seven per centum per annum, as the council shall direct, and shall be signed by the president and countersigned by the clerk and sealed with the seal of said village, and negotiated by or under the direction of said council, and the money arising therefrom shall be appropriated in such manner as such council shall determine for the purpose aforesaid; and the said council shall have power, and it shall be their duty to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon as fast as the same shall become due.

How negotiated
and money
expended.

Payment of
bonds and
interest.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 502.]

AN ACT to form school district number ten of the township of Wyoming, in the county of Kent, out of portions of sections nineteen, twenty, twenty-one, twenty-nine and thirty of said township, now constituting part of school district number one of said township.

SECTION 1. *The People of the State of Michigan enact, That* the south one-half of section nineteen, and the south one-half of the northeast one-quarter of section nineteen, and the southeast one-quarter of the northwest one-quarter of section nineteen, and the south one-half of section twenty, and the south one-half of the north one-half of section twenty, and the southwest one-quarter of section twenty-one, and the south one-half of the northwest one-quarter of section twenty-one, and the northwest one-quarter of section twenty-nine, and the north one-half of section thirty, and the southwest one-quarter of section thirty, be and the same is hereby detached from school district number one of the township of Wyoming, in the county of Kent, and organized into a school district to be known and designated as school district number ten of said township of Wyoming.

Territory
detached from
district No. 1
and organized
into No. 10.

SEC. 2. The first meeting of said school district number ten shall be held on the first Tuesday of July, in the year of our Lord eighteen hundred and eighty-seven, at seven o'clock in the afternoon, at such place in said district as the school inspector of the said township of Wyoming may designate, of which meeting it shall be the duty of said school inspector to give at least one week's notice by posting a notice thereof at three or more public places in said district.

First district
meeting.

SEC. 3. The qualified voters of said district at said first meeting shall elect by ballot a moderator for three years, a director for two years and an assessor for one year, and the time intervening between said first meeting and the annual meeting in September shall be reckoned as one year. They may also at this first meeting take such steps as they shall deem advisable, conforming

Officers to be
elected and
term of office,
etc.

to the general school laws of the State, toward securing a site for and building a school-house for said district.

New district
not entitled to
property from
old district.

SEC. 4. Said school district number ten shall not be entitled to any share in any school property now belonging to said school-district number one, either real or personal.

Governed by
primary school
law.

SEC. 5. In every particular, not otherwise provided in this act, said district shall be governed by the primary school law of this State, and may have its boundaries enlarged or changed and be controlled in every particular as if not created by special act of the Legislature.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 503.]

AN ACT to authorize Edwin A. Bullard to build and maintain a dam across Cass river.

Empowered to
build, etc., dam.

SECTION 1. *The People of the State of Michigan enact, That* Edwin A. Bullard, his heirs or assigns are hereby authorized and empowered to build and maintain a dam across Cass river on section twenty-four, town eleven north, range seven east, in the county of Tuscola.

To contain
sluice.

SEC. 2. The said dam shall contain a convenient slide or sluice, not less than twenty feet wide, for the passage of logs.

Penalty for
injuring, etc.,
dam.

SEC. 3. Any person or persons who shall destroy or in anywise injure said dam or slide shall be deemed to have committed a trespass against the owners thereof, and shall be liable accordingly; and any person or persons who shall willfully and maliciously destroy or injure the said dam or sluice shall be deemed guilty of a misdemeanor, and on conviction be punished by a fine or imprisonment in the discretion of the court.

Not to flow
lands, etc.

SEC. 4. Nothing herein contained shall authorize the said Bullard, his heirs or assigns, to enter upon or flow the lands of any other person or persons, or to raise or set back the water to the injury or damage of the water power in the village of Vassar used by McHose & Talbert in operating their mill.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 504.]

AN ACT to enlarge the powers of the township of Elk Rapids and the township board thereof, by authorizing them to establish and maintain a police force, sewers, drains and water-courses, sidewalks and crosswalks, a fire department and water-works, and one or more road districts.

SECTION 1. *The People of the State of Michigan enact, That*

the township board of the township of Elk Rapids in the county of Antrim, shall have power, from time to time, as the exigencies of the case may seem to them to require it, to designate and appoint not to exceed four persons to act as policemen, whose special duty shall be to apprehend persons offending against any of the laws of this State, to preserve good order by enforcing the law within the territory of said township, and to act as night watchmen, for the protection of the property of the inhabitants of said township from damage by fire or otherwise, under the special direction and control of the township board of said township. All such special policemen shall be subject to removal at any time, in the discretion of said township board.

Township board may appoint police, etc.

SEC. 2. Any policeman appointed under the provisions of this act shall have the like power of serving and executing criminal process, directed to the sheriff or any constable of said county, for offenses committed within said township, and of making arrests as any constable under the general laws of this State, and any such policemen shall have power and it shall be their duty, with or without process, to apprehend any person found disturbing the peace or offending against the laws of this State, and they shall have power to enter any saloon where intoxicating liquors are sold or drank as a beverage, any disorderly or gambling house or room, or dwelling house or any other building where they have good reason to believe a felon is being secreted or harbored, or where any felony, breach of the peace or disorderly conduct is being committed, and shall forthwith take such offenders therein before any court or judicial officer having competent jurisdiction, to be proceeded with according to law.

Power of police.

SEC. 3. It shall be the duty of such policeman to make complaint to any justice of the peace of Antrim county, for any violation of the laws of this State occurring within their knowledge committed within the limits of said township, and they shall have authority to make arrests without process, in the same manner as the sheriff of the county of Antrim might, under like circumstances.

Police to make complaint, etc.

SEC. 4. The township board of said township may provide such suitable room or rooms in the town hall of said township, or the basement thereof, as they may deem necessary for the temporary detention and safe keeping of such persons as may be arrested under the provisions of this act or any of the laws of this State, and all persons arrested under the provisions of this act may be confined temporarily in such rooms so provided by said town board, as aforesaid, when necessary for their safe keeping before and during their trial; and as soon as practicable after their arrest all such persons shall be taken before some justice of the peace of said county of Antrim to be dealt with according to law.

Board may provide place for the safe-keeping of prisoners, etc.

SEC. 5. Any person appointed as a policeman under this act who may not be, while acting as such policeman, a duly qualified sheriff, under sheriff or deputy sheriff of said county, or constable of said township, shall, before entering upon or continuing upon the duties of said office, take the constitutional oath of office, file

Certain policemen to take oath of office.

the same with the township clerk of said township, and such oath may be administered by such township clerk.

Fees of policemen.

SEC. 6. Said policemen appointed under the provisions of this act shall receive, and be entitled to be allowed and paid by the board of supervisors of said county, the same fees for their services as constables for like services, and such other fees and compensation for other services performed under this act as the township board of said township shall allow and order to be paid out of the treasury of said township.

Board may establish and construct sewers, etc.

SEC. 7. The township board of said township may establish and cause to be constructed and maintained by the commissioner of highways of said township, sewers, drains and water-courses, whenever and wherever necessary, and of such dimensions and materials and under such regulations as they may deem proper for the drainage of the public streets in said township, or the platted streets and alleys of the unincorporated villages therein, or necessary for the public health in said township; and private property, or the use thereof, may be taken therefor when deemed necessary in the manner provided by the general laws of this State for taking such property for public use; but in all cases where the said township board shall deem it practicable, such sewers, drains and water-courses shall be constructed in the public streets and grounds of said township or the platted streets and alleys of the unincorporated villages therein. All drains and sewers and water-courses heretofore constructed by said township therein, shall hereafter be under the control of the township board of said township, and may be maintained by them the same as if constructed under the provisions of this act.

May take private property.

Sewers, etc., to be under control of board.

Board may establish, construct, etc., sidewalks, etc.

SEC. 8. The township board of said township may establish and cause to be constructed and maintained by the commissioner of highways of said township, all such sidewalks along and crosswalks across the public streets or ways used as such in said township, and of such dimensions and materials and under such regulations as they may deem proper and necessary for the convenience of the general public therein, and all sidewalks and crosswalks heretofore constructed by said township therein, shall hereafter be under the control of said township board, and may be maintained by them the same as if constructed under the provisions of this act.

Expense of constructing, etc., sewers, etc., how paid.

SEC. 9. The expense of constructing and maintaining such sewers, drains and water-courses, sidewalks and crosswalks shall be paid out of the general highway fund annually collected in said township, and, if that is insufficient, out of any special highway fund voted to be raised by the inhabitants of said township at any annual meeting thereof or special meeting called for that purpose. This section shall not be construed so as to enlarge the powers of said township to raise and expend in any one year any larger general and special highway funds than are now authorized by the general laws of this State, applicable to townships, to be raised therein.

Road district.

SEC. 10. The said township of Elk Rapids may continue to

constitute one road district and have but one overseer therefor, as it has heretofore done, unless otherwise determined from time to time by the inhabitants at any annual meeting or by the township board, and then two or more road districts may be established and overseers elected or appointed therefor, and the same may be altered, increased or diminished in size or number, as may be deemed best by the inhabitants of said township or said township board, anything in the general laws of the State to the contrary notwithstanding.

SEC. 11. The powers and duties imposed upon the incorporated villages of this State and the village council thereof by chapter ten, relating to fires and fire department, and chapter eleven, relating to water-works, of act number sixty-two of the session laws of eighteen hundred and seventy-five, and all amendments and additions thereto heretofore or hereafter made, being sections two thousand nine hundred and fifty-eight to two thousand nine hundred and eighty inclusive, of Howell's Annotated Statutes of Michigan, shall be considered as and are hereby conferred upon the said township of Elk Rapids and the township board thereof so far as the same can be made applicable thereto. Wherever the word "village" is used in said chapters the words "township of Elk Rapids" shall be understood when applied to this act, and for "council" therein, "township board" shall herein be understood; for "president" therein, "supervisor" shall be herein understood; for "trustee" therein, "township clerk or justice of the peace of said township" shall be understood when applied to this act. The expense of establishing and maintaining such fire department and water-works shall be paid out of the contingent fund raised in said township; but no greater sum than one hundred dollars in one year shall be expended on such fire department, and no greater sum than two hundred dollars in any one year shall be expended on such water-works by such township board, without previous authority shall have been obtained from a majority of the qualified electors of said township voting on such question, at an annual or special meeting thereof, and at least ten days' notice previous to such meeting shall have been given by posting in ten of the most public places in said township, and publishing the same in the newspapers published therein, if any, and such notice shall specify the amount to be raised or appropriated to each of such purposes.

Fire department and water-works.

Constructing of certain words in act.

Expense of establishing fire department, etc., how paid and limit of expenditure therefor.

SEC. 12. Said township of Elk Rapids may, instead of establishing and maintaining water-works of its own, avail itself of all the powers and privileges conferred on towns, cities and villages, by chapter eighty-four of Howell's Annotated Statutes of Michigan, and all the powers and privileges conferred by the act incorporated therein upon cities and villages, or the common council thereof, shall be and are hereby as fully conferred upon the said township board thereof.

Township may allow companies to construct water-works.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 505.]

AN ACT to authorize the township of Deep River, Arenac county, to borrow three thousand dollars, to be used in paying outstanding obligations created by the construction and improvement of highways in and for said township.

Authorized to borrow money and issue bonds. SECTION 1. *The People of the State of Michigan enact, That* the township board of the township of Deep River in Arenac county, be and it is hereby authorized and empowered to borrow on the faith and credit of said township the sum of three thousand dollars, to be due and payable within ten years from the date of said loan, at a rate of interest not exceeding seven per cent per annum, and to execute the coupon bonds of said township in such form as said board may determine, which bonds shall in no case be disposed of for a less sum than their par value.

If electors so vote. SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall so determine; and said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election to be stated in written or printed notices, or partly written and partly printed, and by posting said notices in five public places in said township, not less than ten days before said election, which notices shall state the amount of money to be borrowed.

Special election.

Notice of election.

Vote to be by ballot, form of. SEC. 3. The vote upon such proposition shall be by ballots, either written or printed, or partly written or partly printed. Ballots in favor of such proposition shall be in the following words: "For the loan—Yes;" and ballots against the same shall be in the following words: "For the loan—No;" and it shall be the duty of said township board to provide at the polls at such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other special township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election said inspectors shall indorse upon such certificate a declaration in writing, over their hands and seals of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof certified to by said township clerk, shall be by him filed with the clerk of said Arenac county.

Election, how conducted and votes canvassed.

SEC. 4. Any money borrowed under the provisions of this act, shall be expended in paying and canceling outstanding obligations created by the construction and improvement of highways in and for said township of Deep River, county of Arenac, Michigan, and for no other purpose whatever; and in the case of the issue of such bonds, it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond: *Provided, however,* that no more than five hundred dollars of such principal shall be made to become due in any one year.

How moneys to be expended and bonds, etc., paid.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 506.]

AN ACT to amend section twelve of an act amendatory of the several acts relating to the Wesleyan seminary at Albion, and the Albion female collegiate institute, approved February twenty-five, eighteen hundred and sixty-one, as added thereto by act number ninety-one of the session laws of eighteen hundred and sixty-five.

SECTION 1. *The People of the State of Michigan enact,* That section twelve of an act amendatory of the several acts relating to the Wesleyan seminary at Albion and the Albion female institute, approved February twenty-five, eighteen hundred and sixty-one, as added thereto by act number ninety-one of the session laws of eighteen hundred and sixty-five, be and the same is hereby amended so as to read as follows:

SEC. 12. That it shall be the duty of said committee to receive all moneys that may be subscribed, collected, donated, devised or bequeathed for the purpose of creating or increasing the endowment fund of said Albion college, and to invest the same in such manner as they shall deem best, having due regard to the security of the investment as well as to the annual income to be derived therefrom, it being intended hereby to charge said committee with the sole management and control of said endowment fund, in trust for said Albion college; and in case the said committee shall find it necessary, in collecting the moneys due upon any securities, or other evidences of indebtedness held by them, to bid off or purchase at mortgage or execution sale or otherwise any real estate, they shall have power and it shall be their duty

Section amended.

Committee to receive, invest and control endowment fund.

When necessary may purchase mortgaged property and hold and sell the same.

Deed by, how
executed, etc.

to hold and manage said real estate for the benefit of said Albion college, and in case said committee shall deem it best they shall sell and convey the same and re-invest the proceeds thereof as above directed; and a deed of the premises so sold by said committee, duly executed and acknowledged by them, or a majority of them, as such committee, and describing them as the Albion college endowment fund committee, shall be sufficient to vest the title to the premises so sold and conveyed in the grantee therein named.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 507.]

AN ACT to authorize the village of Howell in the county of Livingston to raise money to make public improvements in said village.

Authorized to
borrow money.

SECTION. 1. *The People of the State of Michigan enact*, That the common council of the village of Howell in the county of Livingston, shall be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and issue bonds therefor to an amount not exceeding twenty-five thousand dollars, which shall be expended in making public improvements in said village of Howell: *Provided*, That a majority of the electors of said village voting at an election to be called in compliance with the provisions of this act shall vote in favor of such loan in the manner specified in this act, and not otherwise.

Proviso as to
vote of electors.

How question to
be submitted to
vote of electors,
etc.

SEC. 2. The question of raising said money by loan shall be submitted by the common council of said village to the electors thereof, and the votes shall be taken as near as may be in accordance with the provisions of an act entitled "An act to incorporate the village of Howell," approved May fourteen, eighteen hundred and sixty-three, and the acts amendatory thereto. The common council shall have power to order a special election when it may, by said common council, be deemed necessary to carry out the provisions of this act, and the proceedings had at such special election shall be the same as at general elections held within said village, except that those electors voting for said loan shall have written or printed on their ballots the words, "For the Loan," and those voting against the loan shall have written or printed on their ballots the words, "Against the Loan."

Issue of bonds.

SEC. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times with such rates of interest, not exceeding five per centum per annum, as the said common council shall direct, and shall be signed by the president of said village and countersigned by the recorder of said village, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appro-

priated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due.

How money appropriated and bonds paid.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 508.]

AN ACT to detach certain territory from the township of Harrisville in Alcona county in the State of Michigan, to organize the township of Gustin in said county, and to provide for the appointment of boards of registration and inspectors of election in and for said township of Gustin.

SECTION 1. *The People of the State of Michigan enact.* That the following described territory, to wit: Surveyed township number twenty-six north, of range number five east, surveyed township number twenty-seven north, of range number five east, south half of surveyed township number twenty-six north, of range number six east, south half of surveyed township number twenty-six north, of range number seven east, and south half of surveyed township number twenty-six north, of range number eight east, be and the same is hereby detached from the township of Harrisville, and the said territory is hereby organized into a township to be known and designated as the township of Gustin.

Territory detached from Harrisville township and organized into Gustin township.

SEC. 2. The first election of officers in said township of Gustin shall be held on the first Monday in April, in the year of our Lord one thousand eight hundred and eighty-eight, in the school-house at or near the village of Kilmaster in said township of Gustin, notice of which shall be posted in at least three of the most public places in said township of Gustin; and Calvin Wilson, Charles H. Kilmaster and David O. Darling are hereby made and constituted a board of inspectors of said township election, and at such election the qualified voters shall elect by ballot persons to fill the various township offices, in manner and form as provided by the general law of this State in case of township elections.

First election.

Board of inspectors.

SEC. 3. Charles H. Kilmaster, Calvin Wilson and David O. Darling are hereby appointed and constituted a board of registration, for the purpose of registering voters for the first election to be held in said township of Gustin, on the Saturday preceding the first Monday in April, in the year of our Lord one thousand eight hundred and eighty-eight, and register the names of all persons residing in said township presenting themselves for registration and having the qualifications of voters at annual township meetings, due notice of which shall be given by said board in manner and time as provided in the preceding section. Said township shall in all respects not herein otherwise provided

Board of registration.

Governed by
general law.

be governed by the general laws of this State governing townships.
Approved June 10, 1887.

[No. 509.]

AN ACT to re-incorporate the village of Red Jacket, now incorporated under an act of the Legislature entitled "An act to incorporate the village of Red Jacket in Calumet township, Houghton county," approved March nineteenth, eighteen hundred and seventy-five, under the provisions of act number sixty-two of the public acts of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and the several acts amendatory thereof, being chapter eighty-one of Howell's Annotated Statutes of Michigan, and the amendments thereto.

Village
re-incorporated.

SECTION 1. *The People of the State of Michigan enact*, That the municipality known as the village of Red Jacket in the county of Houghton, in the State of Michigan, now incorporated under "An act to incorporate the village of Red Jacket in Calumet township, Houghton county," approved March nineteenth, eighteen hundred and seventy-five, be re-incorporated under the provisions of act number sixty-two of the public acts of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April one, eighteen hundred and seventy-five, and the several acts amendatory thereof, being chapter eighty-one of Howell's Annotated Statutes of Michigan and the amendments thereto; at the time, in the manner and under the restrictions hereinafter mentioned.

Territory
re-incorporated.

SEC. 2. Said village as hereby re-incorporated shall contain the following lands in the township of Calumet, in the county of Houghton, to-wit: The west half of the south half of the southeast quarter of the northeast quarter, and the south half of the southwest quarter of the northeast quarter, and the northwest quarter of the southeast quarter, and the north half of the southwest quarter of the southeast quarter of section number fourteen in township fifty-six north, of range thirty-three west; also a strip of land in the east half of the southeast quarter of section fourteen (14), in township fifty-six (56) north, of range thirty-three (33) west, commencing on the east and west center section line at the northeast corner of lot two (2) in block E, in the village of Red Jacket, as at present incorporated; thence east eighty six (86) feet; thence south and parallel to the east boundary of Red Jacket, as at present incorporated, to a point eighty-six (86) feet east of the southeast corner of Red Jacket, as at present incorporated; thence west eighty-six (86) feet; thence north along the aforesaid east boundary of Red Jacket to the place of beginning; and shall, on the second Monday of March, eighteen hundred

and eighty-eight, become and be a village fully formed and incorporated under the provisions of law as specified in section one hereof; and until that time and no longer it shall remain organized and incorporated under the act of eighteen hundred and seventy-five first above mentioned. All the officers of said village at present holding office by election, and all officers who may hereafter be elected by special election under said act of eighteen hundred and seventy-five, shall be and remain such officers of said village up to the Wednesday next after the second Monday of March, eighteen hundred and eighty-eight, and shall discharge the duties of their several offices as fully and to the same intents and purposes as if their terms of office had originally been fixed to expire at that date: *Provided, nevertheless,* That any such elected officers whose present terms of office shall, in accordance with said act of eighteen hundred and seventy-five, expire before the day last mentioned, and who are required to give bonds for the faithful discharge of the duties of their several offices, under the provisions of said act of eighteen hundred and seventy-five, shall furnish to the common council of said village of Red Jacket new and satisfactory bonds for the discharge of their official duties, on the day when their respective terms of office would expire under said act of eighteen hundred and seventy-five; and in case of the failure of any such officers to renew their said official bonds as aforesaid, the common council of the village of Red Jacket shall have power to fill such offices by appointment, or (as the case may be) by calling a special election therefor under the provisions of law governing special elections contained in said act of eighteen hundred and seventy-five. Proviso as to certain offices.

SEC. 3. The first election of the new village of Red Jacket shall be held under the provisions relating to annual elections in said act of eighteen hundred and seventy-five, except as in this act otherwise provided, on the second Monday of March, eighteen hundred and eighty-eight, at such place within the territory hereinbefore mentioned as shall be designated by the recorder of the present village of Red Jacket in the notice of election hereinafter mentioned, for the village officers in said chapter eighty-one enumerated, at which election all qualified voters residing in said territory and duly registered as hereinafter provided shall be qualified voters. First election. The recorder of said village of Red Jacket, shall give notice of the time and place of holding the first election for said village hereunder to elect such village officers as are enumerated in said act number sixty-two, and the several acts amendatory thereof. Said notice shall state what officers are to be elected at said election, which officers shall be the same as those specified in said act number sixty-two and the acts amendatory thereof. Said notice shall be given at least eight days, and not to exceed twelve days, before the day fixed for holding said election, by posting the same in six public places in said village, and publishing a copy thereof in a newspaper published in said village, if there be one, at least eight days before the election.

SEC. 4. The board of registration for said election shall con-

Board of
registration.

Meeting of
board.

Vacancies in
board, how
filled.

Conduct of
election, etc.

Proviso as to
collecting taxes,
etc.

By-laws to
remain in force,
etc.

sist of the recorder and president of said village and of two trustees of said village, who shall be designated by the common council of said village at its regular meeting in the month of January or of February next preceding said election; said recorder, as the clerk of said board of registration, shall give written notice, ten days before the day of said election, that said board of registration will meet at the recorder's office in said village, for the purpose of registering the legal voters residing in said territory on the Friday and Saturday next preceding said election day, and will be in session for that purpose from nine o'clock in the forenoon to six o'clock in the afternoon of both of said days, for the purpose of completing such registration. Said notice shall be posted in six public places in the territory aforesaid, at least ten days before the time of holding said election. On the days and at the place so appointed, said board shall meet and make a registration, in a proper book for that purpose to be provided by said village, of all the qualified voters residing in said village, in accordance with the laws of this State in that behalf made. In case of the absence of any member of said board, the remaining members may fill the vacancy. In making and completing such registration, said board shall proceed in the same manner and conform to the same rules, as near as may be, as are provided by law for registering voters in villages.

SEC. 5. Said election shall be conducted, and the votes thereof canvassed, and the result declared in the manner and under the provisions contained in said act of eighteen hundred and seventy-five relating to annual election [elections], except as in this act is otherwise provided. After the holding of said election, the officers elected thereat shall qualify for office in the manner provided by said act number sixty-two and [the] acts amendatory thereof: *Provided, nevertheless,* That said act of eighteen hundred and seventy-five shall remain in full force and effect, for the purpose of enforcing the collection of taxes levied and imposed under the provisions thereof, and of selling property delinquent for such taxes: *And provided further,* That any suit or proceedings in law or chancery now pending, or which may hereafter be brought by or against the common council of the present village of Red Jacket, may be prosecuted or defended, as the case may be, by or against the municipality which is to come into being under this act; and the new municipality shall succeed to all the rights and property of the old, and shall be liable to all its debts and obligation [obligations.]

SEC. 6. The by-laws and ordinances now in force, or which may be passed and adopted by the present village of Red Jacket previous to the said second Monday of March, in the year of our Lord eighteen hundred and eighty-eight, shall be and remain the by-laws and ordinances of said new village of Red Jacket, until altered or repealed by the proper authorities thereof, or otherwise according to law; and the recorder of said village of Red Jacket shall deliver to the clerk of said village as re-incorporated, all books, papers, records and property in his hands as such recorder, when the new clerk

shall have been elected and shall have qualified; and any officer of the present village of Red Jacket shall in like manner deliver and turn over to the like officer to be elected at said election any property, records or effects in his hands belonging to the present village of Red Jacket, except that the treasurer of the new village of Red Jacket shall be the custodian of the bond of the clerk thereof; and the clerk of such new village shall be treated as the successor in office of the present recorder; and all the officers of said new village shall be treated and considered as the successors in office of the like officers of the present village for all purposes; and the terms of office of all the officers of the present village of Red Jacket shall terminate and expire on the Wednesday next succeeding the second Monday of March, eighteen hundred and eighty-eight, or as soon thereafter as their successors hereunder shall be elected or appointed and qualified.

Delivery of property to new officers.

Clerk to be successor of recorder.

Term of office of present officers.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 510.]

AN ACT to legalize and validate all the proceedings had, up to and including the issuing of certain bonds issued by the township of Warren in the county of Midland, State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* all the proceedings had, up to and including the issuing of certain bonds issued by the township of Warren in the county of Midland, State of Michigan, and authorized by a majority vote of the electors of said township, one of said bonds bearing date July twentieth, eighteen hundred and eighty-three, and one bearing date February sixteenth, eighteen hundred and eighty-four, are hereby declared to be legal and valid in all respects as affecting the issuance of said bonds.

Proceedings legalized.

This act is ordered to take immediate effect.

Approved June 10, 1887.

[No. 511.]

AN ACT to authorize the township of Portsmouth in the county of Bay to raise money by loan upon the bonds of the township.

SECTION 1. *The People of the State of Michigan enact, That* the township board of said township of Portsmouth is hereby authorized, in its discretion at any time hereafter, to raise money by loan for the purpose of paying the judgments now existing against said township, by issuing the bonds of said township. Said bonds shall be payable at the time fixed in such bonds, within a period not exceeding twenty years, and may be made to draw interest, not exceeding seven per cent per annum, payable annually,

Township board authorized to borrow money.

When bonds
payable.

Provide as to
amount of
bonds.

as the said township board from time to time direct. Said bonds shall be signed by the supervisor and the clerk of the township, and may have attached thereto coupons for each annual or semi-annual installment of interest, as the township board may direct: *Provided*, That the amount for which such bonds may be issued shall not exceed the present amount of indebtedness of said township owing upon said judgments, with interest computed thereon.

This act is ordered to take immediate effect.

Approved June 16, 1887.

[No. 512.]

AN ACT to prevent the destruction of fish in Klinger Lake, White Pigeon township, Middle Lake in Sherman and Sturgis townships, and Thompson Lake in Sherman township, in the county of St. Joseph.

Unlawful to
take fish except
with hook and
line.

SECTION 1. *The People of the State of Michigan enact*, That it shall not be lawful for any person to take, catch or kill any fish in the lakes known as Klinger Lake in White Pigeon township, Middle Lake in Sherman and Sturgis townships, and Thompson Lake in Sherman township, all in the county of St. Joseph, for the term of ten years from and after the passage of this act, with the spear, net, grap-hook, or by the use of jacks or artificial light of any kind, or any kind of fire-arms or explosive material or other device, except the hook and line.

Penalty for
violating act.

SEC. 2. Any person violating any of the provisions of this act shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed twenty-five dollars and costs of suit, or imprisoned in the county jail not to exceed thirty days, or both such fine and imprisonment in the discretion of the court.

Being found on
lakes with
spear, etc.,
evidence of
violation of act.

SEC. 3. In all prosecutions under this act, it shall be *prima facie* evidence on the part of the people of the violation of the provisions of this act, to show that the defendant was found upon the waters of said lakes with spear, net, trap-net, jack, or artificial light of any kind, or with dynamite, giant powder or any other explosive substance or combination of substances.

This act is ordered to take immediate effect.

Approved June 16, 1887.

[No. 513.]

AN ACT to amend sections seven, nine, ten, twenty-three and thirty-three of chapter twelve of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June sev

enth, eighteen hundred and eighty-three, and being act number [numbered] three hundred and twenty-six of the local acts of eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact, That* sections seven, nine, ten, twenty-three and thirty-three of chapter twelve of an act entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, and being act number [numbered] three hundred and twenty-six of the local acts of eighteen hundred and eighty-three, be amended so as to read as follows:

Sections amended.

SEC. 7. There shall be a clerk and deputy clerk of said recorder's court, who shall be appointed by the judge thereof, and a memorandum of such appointments shall be entered upon the records of said court. Such clerk and deputy clerk shall hold their respective offices for the term of six years from and after the third Tuesday in January, and until their successors are duly appointed and qualified. But the first appointments under this section shall not take effect until the seventeenth day of January, one thousand eight hundred and eighty-eight. The judge shall have power at any time to remove such clerk and deputy clerk for incompetency or serious neglect in the performance of their duties; and in case of such removal, or of a vacancy in said office by the death of said clerk or deputy clerk, or otherwise, the judge shall fill the unexpired term by a new appointment.

Clerk and deputy.

Terms of office of.

Removal of.

SEC. 9. It shall be the duty of said clerk to keep a true record of the proceedings of said court in proper books to be provided therefor; to enter and record all orders, decrees and judgments, and file and safely keep all books and papers belonging or pertaining to said court. He shall sign and seal all writs and process issuing from said court, and shall have power generally to administer oaths and take affidavits and acknowledgments. In the absence or sickness of the recorder or judge of said court, he shall have power to let to bail any person charged with a bailable crime or offense and committed into custody in default of entering into a recognizance for his appearance in said recorder's court: *Provided*, That the amount of said recognizance shall be the sum fixed by the magistrate by whom such person was committed, or by said recorder's court, or the judge thereof. He shall receive a salary of eighteen hundred dollars per annum, which shall be payable out of the treasury of said city.

Duties of clerk.

May admit to bail, when.

Proviso.

Salary of.

SEC. 10. The deputy clerk of said court shall have the same powers as are given to the clerk thereof, and he shall receive a salary of sixteen hundred dollars per annum, which shall be payable out of the treasury of said city.

Deputy clerk, duties and salary of.

SEC. 23. There shall be six terms of said court, which shall commence on the first Wednesday in January, March, May, July, September and November, and may be continued or adjourned from time to time, as long as said court may deem necessary for

Terms of recorder's court.

Power of clerk
to open and
adjourn court.

the transaction of its business; and whenever, at the close of any term of said court, the trial of a cause shall be in progress, such trial shall continue until the same is determined, and the continuance of such trial shall not be construed as prolonging said term, nor to prevent the commencement of the succeeding term, previously designated as herein required. If, from any cause, the judge of said court shall be unable to hold the same on the first day of a term, or on any other day to which said court is adjourned, the clerk thereof shall have power to open said court and adjourn it from time to time, until the judge shall be able to attend; and in such case all prosecutions, proceedings and matters pending in said court shall stand continued until said judge can hold said court.

Jury list.

SEC. 33. The "board of jury commissioners," as created by act number ninety-five of the session laws of eighteen hundred and eighty-seven, shall, as provided in this act, annually, or whenever required by said recorder's court, in accordance with the provisions of section six of said act, select persons to serve as petit jurors for the trial of causes in said court, and file a list thereof with the clerk of said court. The number to be selected on the fourth Monday in May of each year, as provided in said act, shall be three hundred: *Provided*, That said court may direct a different number to be returned by said board by an order to be entered upon its journal, a copy of which, certified by its clerk, shall be delivered to the president or secretary of such board at least twenty days prior to the fourth Monday in May; and said board shall thereupon return for said court the number of names mentioned in said order.

Proviso.

This act is ordered to take immediate effect.
Approved June 16, 1887.

[No. 514.]

AN ACT to authorize and empower the council of the village of Alma in the county of Gratiot to borrow money and issue the bonds of said village therefor.

Authorized to
borrow money,
etc.

SECTION 1. *The People of the State of Michigan enact*, That the council of the village of Alma in the county of Gratiot, shall be and is hereby authorized and empowered to borrow money, on the faith and credit of said village, and issue bonds therefor to an amount not exceeding twenty thousand dollars, which shall be expended in making public improvements in said village: *Provided*, That the consent of a majority of the qualified electors of said village, who are present and voting at an annual election or a special election called for that purpose, shall first be obtained.

Proviso as to
consent of
electors.

Notice of
election.

SEC. 2. Before any loan provided for in this act can be voted upon at any election, a public notice shall be given by order of the council, and signed by the clerk of said village, by publishing the same in a newspaper published in said village, for at least

two successive weeks before said election, and said notice shall state that the electors will be called upon to vote upon such loan and the amount thereof. Contracts of.

SEC. 3. The vote on any loan under the provisions of this act shall be by ballot, which shall have written or printed thereon the words, "For the Loan," or "Against the Loan," and be deposited in a separate box labeled "Village Loan," and other proceedings had therein shall be the same as provided for in chapter three of act number sixty-two of the session laws of eighteen hundred and seventy-five and the acts amendatory thereof. Vote to be by ballot, form of, etc.
Proceedings at election.

SEC. 4. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and not exceeding the amount mentioned in the notice provided for in section two of this act, and payable at such times, with such rates of interest, not exceeding seven per centum per annum, as the council of said village shall direct, and shall be signed by the president and countersigned by the clerk, and negotiated by or under the direction of said council; and the money arising therefrom shall be appropriated in such manner as said council shall determine, for the purpose aforesaid, and the council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due. Issue of bonds.
Money, how appropriated.
Payment of bonds.

This act is ordered to take immediate effect.

Approved June 16, 1887. •

[No. 515.]

AN ACT to authorize the city of Ionia to borrow money for public improvements.

SECTION 1. *The People of the State of Michigan enact, That* the common council of the city of Ionia shall be and is hereby authorized and empowered to borrow money, on the faith and credit of said city, and issue notes therefor to an amount not exceeding ten thousand dollars, to be expended in making public improvements in the city of Ionia, consisting of an extension of the sewer system, rebuilding bridges and grading and paving Main street. Said notes shall be issued in such sums as the common council shall direct, not exceeding the amount hereinbefore mentioned, and payable on the first day of February, A. D. eighteen hundred and eighty-eight, with interest not to exceed six per cent per annum. Said notes shall be signed by the mayor and countersigned by the clerk, negotiated by the chairman of the ways and means committee, and the money arising therefrom shall not be deemed to take the place of or relieve the property owners from special assessment, for benefits accruing Common council authorized to borrow money and issue notes,
How to be expended.
When notes payable.

from any such improvement, which may now be levied and assessed under and by virtue of the charter of the said city.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 516.]

AN ACT to amend section five and section thirty-three of "An act to establish a police government for the city of Detroit," approved April seventeenth, eighteen hundred and seventy-one, and the amendments thereto, relative to the office of deputy superintendent of police.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections five and thirty-three of "An act to establish a police government for the city of Detroit," be and the same are hereby amended so as to read as follows:

Power of board
to appoint
superintendent
of police, etc.

SEC. 5. The said board of metropolitan police shall have power to appoint a superintendent of the police force, a deputy superintendent, a captain of police, one or more officers to be called and act as detectives, one captain in addition to each thirty policemen (patrolmen) called into service more than the first thirty, four sergeants of police to each fifty patrolmen, an attorney, surgeon, one or more roundsmen, doorman, janitors, and fifty or more patrolmen, who shall receive compensation, and as many patrolmen, with or without compensation, in time of special emergency, or apprehended danger from riot, or other cause of alarm, as they shall deem expedient. Said board shall also have power, for cause assigned on a public hearing, and on due notice according to the rules to be promulgated by them, to remove or suspend from office, or for a definite time deprive of pay any member of such police force (except that the superintendent, deputy superintendent, detectives, the attorney, the surgeon and secretary and property clerk may be dismissed at any time by said board); and make rules and regulations for the discipline and government of said force, and shall cause the same to be published, and to make and promulgate general and special orders to said force, through the superintendent of police, who shall be the executive head of the force.

Power to
remove any
policeman, etc.

To make rules,
etc., to govern
police.

Power and duty
of deputy
superintendent.

SEC. 33. The deputy superintendent shall be subject to the control and direction of the superintendent, and shall have charge of such details as the board, by resolutions or rules and regulations, may prescribe. In the absence of the superintendent, the deputy superintendent shall have and exercise all the powers conferred by this act on the superintendent, and shall be subject to removal in the same manner as the superintendent.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 517.]

AN ACT to authorize the village of Sand Beach in Huron county to borrow money for the purpose of building a public hall in the said village of Sand Beach.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the village of Sand Beach shall be and is hereby authorized and empowered to borrow money, on the faith and credit of said village, and issue bonds therefor to an amount not exceeding six thousand dollars, which shall be expended in building a public hall in said village of Sand Beach: *Provided*, That the consent of a majority of the qualified electors of said village, who are present and voting at an annual or special election called for that purpose, shall first be obtained.

Board of trustees authorized to borrow money.

Proviso as to vote of electors.

SEC. 2. Before any loan provided for in this act can be voted upon at any election, a public notice shall be given by order of the board of trustees, and signed by the clerk of said village, by publishing the same in one or more of the newspapers of said village for at least two weeks before said election, and said notice shall state that the electors will be called upon to vote upon such loan, and the amount of such loan.

Notice of election.

SEC. 3. The vote on any loan, under the provisions of this act, shall be by ballot, which shall have written or printed thereon the words, "For the Loan," or "Against the Loan," and be deposited in a separate box to be labeled "Village Loan," and other proceedings had therein shall be held under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages."

Vote to be by ballot.

SEC. 4. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at a time or times not to exceed fifteen years, with such rates of interest, not exceeding seven per centum per annum, as the village board of trustees shall direct, and shall be signed by the president and countersigned by the clerk and sealed with the seal of said village, and negotiated by or under the direction of said board of trustees, and the money arising therefrom shall be appropriated in such manner as said board of trustees shall determine, for the purpose aforesaid, and the said board of trustees shall have power and it shall be their duty to raise, by tax upon the taxable property of said village, such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

Issue of bonds.

How money appropriated.

Payment of bonds.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 518.]

AN ACT to amend section sixteen of local act number three hundred and sixteen of the session laws of eighteen hundred and eighty-three, entitled "An act to incorporate the public schools of the township of Maple Ridge, Alpena county."

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section sixteen of act number three hundred and sixteen of the local laws of eighteen hundred and eighty-three, entitled "An act to incorporate the public schools of the township of Maple Ridge, Alpena county," be and the same is hereby amended as follows:

Compensation
of trustees.

SEC. 16. The compensation of the trustees of said district shall be each fifteen dollars per year for all services rendered for said district, and the clerk of said board shall receive forty dollars per year for all services rendered for said district, and it shall be a misdemeanor punishable under the laws of this State for said trustees or said clerk to take, appropriate or receive any other additional sum for their services.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 519.]

AN ACT to amend section one of act number three hundred and thirty of the local acts of eighteen hundred and eighty-five, entitled "An act to incorporate the village of Au Sable in Iosco county," approved April twenty-fourth, eighteen hundred and eighty-five.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number three hundred and thirty of the local acts of eighteen hundred and eighty-five, entitled "An act to re-incorporate the village of Au Sable in Iosco county," approved April twenty-fourth, eighteen hundred and eighty-five, be and the same is hereby amended so as to read as follows:

Territory
re incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all that tract of country within the township of Au Sable, in the county of Iosco and State of Michigan, known, bounded and described as follows, to wit: Commencing at the quarter post on the section line between sections nine (9) and ten (10) in town twenty-three (23) north, of range nine (9) east, running thence north along said section line to the northeast corner of said section nine (9); thence west along the section line between sections four (4) and nine (9) to the quarter post at the northwest corner of the northeast quarter of said section nine (9); thence north on the quarter line between the east and west half ($\frac{1}{2}$) of said section four (4) to [the] north line of said section four (4); thence east on the north section line of said section four (4) to the center

of the Au Sable river; thence southeasterly on the line of the center of said river to the center of the State road bridge; thence easterly on the town road leading from said bridge to Lake Huron, to the shore of Lake Huron; thence southerly along the line of the shore of Lake Huron to the quarter line between the north and south half of section ten (10) in said township; thence westerly along said line to the place of beginning, be and the same is hereby re-incorporated as the village of Au Sable.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 520.]

AN ACT to authorize the townships of Wisner and Gilford in the county of Tuscola to borrow money for the construction of a drain in said townships and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township boards of the townships of Wisner and Gilford, in Tuscola county, be and they are hereby authorized and empowered to borrow, on the faith and credit of said townships, a sum not exceeding five thousand dollars in each township for a term not exceeding ten years, at a rate of interest not exceeding seven per cent per annum, and to execute the coupon bonds of said townships therefor in such form and amount in each township as the township boards of the said townships shall determine, which bonds shall in no case be disposed of for a less sum than their par value.

Township boards authorized to borrow money and issue bonds.

SEC. 2. Such money shall not be borrowed nor such bonds issued unless a majority of the qualified electors of said townships, voting at a special election to be called for the purpose of voting on said loan, shall so determine; and said township boards are hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said townships, giving due notice thereof, by causing the date, place of voting, and object of said election to be stated in written or printed notices, and by posting said notices in five public places in each of said townships not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed in each of said townships.

If so determined by electors.

Boards to call special election.

SEC. 3. The vote upon such propositions shall be by ballots, either written or printed or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the drain loan—Yes;" and ballots against the same shall be in the following words: "For the drain loan—No." And it shall be duty of the said township boards to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election

Vote to be by ballot, and form of.

How election
and canvass to
be conducted.

shall be conducted and the vote canvassed in all respects as in other special township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition, and the number for and against the same respectively, and not later than the day following such election said inspectors shall endorse upon such certificate a declaration in writing, over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township, to be preserved by him among the archives of said township, and a copy thereof, certified to by said township clerk, shall be by him filed with the clerk of said Tuscola county.

How money to
be expended.

SEC. 4. Any money borrowed under the provisions of this act shall be expended in the construction of a drain described as follows: Commencing at the Quanicassee river on section twenty-nine or thirty-two in the township of Wisner, thence south and east to a pond on section twelve in the township of Gilford, a distance of about six and one-half miles. Said drain to be twenty-six feet wide and four and one-half feet in depth on lowest grounds, and for no other purpose whatever; and in case of the issue of such bonds it shall be the duty of the supervisors of said townships to assess, and the treasurers of said townships to collect, in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said townships, an amount sufficient to pay all interest upon such bonds accruing and becoming payable therein, and also any installment of the principal thereof falling due in any such year; but no more than one thousand dollars of such principal shall be made to become due in any one year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond.

Payment of
bonds, etc.

Where money
to be kept and
how drawn.

SEC. 5. Any money borrowed under the provisions of this act shall be paid to the treasurer of the county of Tuscola, to be kept by him in a separate fund which shall be known as the Wisner and Gilford drain fund, and no money shall be paid out of said fund except on the written order of the drain commissioner of said county of Tuscola, countersigned by the supervisors of said townships of Wisner and Gilford.

Drain commis-
sioner of
Tuscola county
to establish and
construct drain.

SEC. 6. The drain commissioner of said county of Tuscola shall establish any drain which shall be authorized pursuant to the provisions of this act, and shall construct such drain, or cause the same to be constructed, as soon as may be after the holding of the special elections authorized by the provisions of this act. For all services performed in pursuance of the foregoing provisions said drain commissioner shall receive compensation as provided for like services under the general laws of this State, and shall be

Compensation
of commis-
sioner.

paid out of the fund created by the provisions of section five of this act.

This act is ordered to take immediate effect.

Approved June 17, 1887.

[No. 521.]

AN ACT to amend section twenty-three of act number two hundred and fifty of the session laws of eighteen hundred and seventy-three, being "An act to revise the charter of the city of Coldwater," as amended by act number three hundred and fifty-eight of the local acts of the session laws of eighteen hundred and seventy-nine, by adding a proviso for alternate [alternative] sentences by justices of the peace.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-three of act number two hundred and fifty of the session laws of eighteen hundred and seventy-three, being an act entitled "An act to revise the charter of the city of Coldwater," as amended by act number three hundred and fifty-eight of the local acts of eighteen hundred and seventy-nine, be and the same is hereby amended so as to read as follows: Section amended.

SEC. 23. Any justice of the peace of said city is hereby authorized and empowered to inquire of, hear, try and determine in a summary manner, all offenses which shall be committed within the limits of said city against any of the by-laws or ordinances which shall be made by the common council in pursuance of the powers granted by this act; to punish the offenders as by the said by-laws or ordinances shall be prescribed or directed; to award all processes and take recognizances for the keeping of the peace, for the appearance of persons charged and upon appeal; and to commit to prison as occasion may lawfully require: *Provided*, The right of trial by jury, when demanded, shall in all cases be preserved. In all prosecutions for violations of any of the by-laws or ordinances passed by the said common council, upon complaint being made upon oath before said justice of the peace, setting forth therein the offense complained of, such justice of the peace shall issue a warrant in the name of the people of the State of Michigan for the apprehension of the offender, directed to the sheriff or any constable of the county of Branch, or the marshal or deputy marshal of said city, commanding him forthwith to bring the body of such person before such justice to be dealt with according to law; and any sheriff, constable, or marshal to whom such warrant shall be delivered for service, is hereby authorized and required to execute the same in any part of this State where such offender may be found, under the penalties which are incurred by law by sheriffs and constables for refusing to execute criminal process; and upon bringing the person charged before said justice of the peace he shall plead to said complaint, and in case of his refusing to plead thereto or standing mute, the Offenses against by-laws, how tried and punished. Proviso. Warrants, how issued, etc. Plea.

Trial, etc.	said justice of the peace shall enter the plea of not guilty for the person so charged; that upon the said complaint and plea a trial shall be had, and upon conviction of said offender and the imposition of a fine, it shall be the duty of the justice to issue an execution directed to the marshal of said city, his deputy, or any constable of said county, commanding him to collect of the goods and chattels liable to sale on execution of the said person so
Commitment.	offending, the amount of such fine, with interest and costs: and for want of such goods and chattels wherewith to satisfy the same, that he shall take the body of the defendant and commit him to the common jail of said county or to the city prison; and the sheriff or other officer to whom the said commitment may be directed shall safely keep the body of said person so committed until he shall be discharged by due course of law; and in case where imprisonment alone shall be imposed upon the person so convicted, the said justice shall issue a commitment directed as aforesaid, commanding his commitment until the expiration of the time for which he shall be sentenced to imprisonment, or until he be discharged by due course of law; and in case where both fine and imprisonment are imposed upon the person so convicted by the judgment of such justice of the peace, he shall issue the necessary process to carry such judgment into effect, and it shall
Lawful to use county jails.	be lawful to use the common jail of said county for the imprisonment of all persons liable to imprisonment under the by-laws and ordinances of the common council; and all persons committed by any justice for the violation thereof shall be in the custody of the officer to whom the said commitment may be directed, who shall safely keep the persons committed until lawfully discharged as in other cases, and all persons sentenced to confinement in the common jail of said county or in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines, for violation of any by-laws or ordinances of the said city, may be kept at hard labor during the term of their imprisonment either within or without the said jail or city prison, but within the limits of said city, under such regulations as the common council may prescribe:
How prisoners may be employed.	<i>Provided</i> , That the common council may remit any such fine in whole or in part, if it shall appear to them that the person so
Further proviso.	imprisoned is unable to pay the same: <i>Provided further</i> , That all costs, fees, and expenses incurred under the provisions of this section shall be provided for and paid out of the city treasury, and shall be governed in amount by the laws of this State in relation to fees of justices of the peace, sheriffs and constables in criminal cases, unless otherwise provided for by ordinances of said city:
Further proviso.	<i>Provided further</i> , That in all cases where the offender shall be convicted of an offense punishable under the ordinances, at the discretion of the court either [by] fine or imprisonment, or both, the court, in rendering such judgment and inflicting such judgment [punishment], may award against such offender a conditional sentence with or without costs of prosecution, within a limited time to be expressed in the sentence, and in default thereof to

suffer such imprisonment as is provided by such ordinance and awarded by the court.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 522.],

AN ACT to incorporate the public schools of the city of Muskegon.

SECTION 1. *The People of the State of Michigan enact, That* the city of Muskegon shall constitute one school district, and all public schools therein shall be under the direction and control of the board of education hereinafter provided for, and shall be free to all residents of said district over the age of five years. Such school district shall be a body corporate by the name and style of the "Public Schools of the City of Muskegon," and shall possess the usual powers of corporations for public purposes, and in that name may sue and be sued, and purchase, acquire, hold and dispose of such real and personal property as is authorized to be purchased or acquired by this act. The board of education of said district shall consist of six trustees whose several terms of office shall be three years, and who shall be electors of said city qualified to vote at general elections therein. Two of said trustees shall be elected at the annual election which shall be held on the second Monday of July, eighteen hundred and eighty-seven, for the term of three years, and one trustee shall also be elected at the same time for two years. Two trustees shall be elected at each annual meeting thereafter. Within ten days next after the annual meeting in July, eighteen hundred and eighty-seven, the several trustees shall meet and organize, and for that purpose shall elect from their own number a president, secretary and treasurer, whose powers and duties shall be severally the same as those conferred upon and required by the moderator, director and assessor of school districts in this State, except so far as the same are modified by the provisions of this act or other acts relating to said district. The present trustees and officers of the school district of the city of Muskegon shall be, and they are hereby constituted the trustees and officers of the public schools of the city of Muskegon, excepting as herein provided, and said trustees shall continue to hold their said offices for the same time and in the same manner as though this act had not been passed, excepting as herein provided. Said board of trustees shall have power to fill any and all vacancies that may occur in the membership of said board or in the offices appointed thereby until the next annual meeting in said district.

City to constitute one school district.

Corporate name of district.

Board of education.

Election of board, term of office of members, etc.

Present trustees to continue in office, etc.

SEC. 2. The board of education shall have the control and management of the property, interests and affairs of the district and of the schools organized or that may be organized therein. Said board shall meet from time to time, as it may determine, for the transaction of business, and shall keep a record of all its

Power and duties of board of education.

proceedings. Said board, or a majority thereof, shall establish and maintain such high, graded, ungraded and primary schools as the public interest may require, and generally do all things needful and desirable for the maintenance, prosperity and success of the schools in said district, and the promotion of the mental, moral and industrial education of the children therein. Said board may admit non-residents and other persons to the privileges of the schools, upon such terms as said board may prescribe, as far as the same can be done without depriving those legally entitled thereto of any school privileges.

To employ
superintendent,
teachers, etc.

SEC. 3. The board of education shall appoint and employ a superintendent and the teachers and instructors for the public schools, and determine their salaries and define their duties; it shall prescribe the courses of study to be pursued, the books to be used, classify the pupils, determine what text-books shall be used, and may provide such material, apparatus and facilities for instruction as may be expedient, and make all necessary regulations for the use of such material and apparatus. Said board shall determine the rate of charges for instruction to pupils not resident in the city; make all regulations necessary or required for the examination of teachers, determine the length of time the school shall be taught each year, adopt rules for the regulation and government of the schools, and do whatever may be required to advance the interests of education. Said board shall also have all the powers and privileges conferred upon school boards and upon the qualified voters of school districts at any annual or special district meeting by the general [school] laws of this State, not inconsistent with this act.

To maintain
library, etc.

SEC. 4. Said board shall maintain a district library, and may apply for the purchase of books therefor, in addition to the amount received on account of fines and forfeitures, not exceeding in the aggregate the sum of one thousand dollars each year. Said board may employ a librarian and assistants, and make all needful rules and regulations for the control and management of said library.

To publish
annual state-
ment.

SEC. 5. Said board shall publish annually a statement of the number of schools in the city, the number of teachers employed, and the number of pupils instructed therein during the preceding year.

To establish
sites for school-
houses, etc.

SEC. 6. The board of education shall have authority, and it shall be their duty to designate and establish such number of sites for school-houses in the district as may be necessary, and to purchase and procure the lands therefor, by agreement or condemnation, as may be necessary, and to erect and maintain thereon, in proper repair, convenient and suitable school-houses and buildings for the use of the public schools, and to provide proper furniture and appurtenances for such buildings and grounds. Said board may also lease lands and buildings for the use of the schools and may sell and dispose of the lands and property of the district when no longer needed. Said board may employ janitors and make and enforce all needful regulations for the protection and

preservation of the school buildings, grounds and property of said district: *Provided, however,* That said board shall not have the authority to purchase any site or sites for any school building or buildings or to erect any school building or buildings, the expense of which site, building and furniture shall exceed ten thousand dollars, until the question of the propriety of the purchase of such site or sites, and the erection of such building or buildings, shall first be submitted to the electors of said district at an annual or special district meeting, which shall be held and the ballot taken in the manner as herein provided upon other questions which require submission to the electors.

SEC. 7. The board shall, within the time and in the manner provided by law, cause a census to be taken annually of all the children between the ages of five and twenty years residing in the district, and report the same and make and transmit all other necessary reports to the proper officers as designated by law, in order that the district may receive its share of the primary funds and library moneys. For the purposes of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township; and said board shall be entitled to receive from the county treasurer or other officer for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries. The said board of education shall have all the powers and perform all the duties of school inspectors for said city.

To cause school census to be taken.

City to be considered same as township for certain purposes.

SEC. 8. On or before the first day of July in each year, the said board shall make and publish, in one or more newspapers of said city, a statement of all the receipts and expenditures of the district for the preceding year, ending June thirtieth, showing the items thereof, the sources of income, the amount of salaries paid to officers, teachers and employées, and to each of whom paid; the obligations incurred during the year and the amount of indebtedness outstanding, and to whom payable. Said board shall at the same time publish the estimates required to be made, as in the next section mentioned, of the expenditures for grounds and buildings and support of the schools for the ensuing year, commencing on the first day of July of that year, and the items thereof.

To publish statements, contents of.

SEC. 9. Said board shall, at any regular meeting in the month of June in each year, determine by resolution passed by a vote of a majority of all the members of said board, the sum or sums necessary or proper for any or all of the following purposes:

To determine sums necessary for certain purposes.

First, To lease, alter, repair or improve school-houses and their outhouses, grounds and appurtenances;

Second, To purchase, exchange, repair and improve school apparatus, books, furniture, benches, fixtures, text-books for indigent pupils, chemicals and other supplies used in the public schools;

Third, To procure fuel and lights, and defray all the necessary contingent expenses of said board and district;

Fourth, To defray the expenses of purchase of books for the

district library of said city, as authorized by section four of this act, salary of librarian and other incidental library expenses;

Fifth, To pay the salaries and wages of the superintendent and teachers, after the application of the public moneys, which may be by law appropriated and provided for that purpose;

Sixth, For the payment of interest and indebtedness falling due;

Seventh, For the purchase of grounds, and for the construction, improvement and furnishing of school buildings: *Provided*, That the amount so to be raised in any one year for the purchase of grounds and the erection and furnishing of buildings, and for the payment of indebtedness and the interest thereon incurred for grounds and buildings, shall not exceed one-half of one per cent, and the amount for the support of the schools, and for all the other purposes above mentioned, shall not exceed one per cent on the dollar of the taxable valuation of the real and personal property in the city, as shown by the tax-rolls of the preceding year.

Certificate of estimates to be transmitted to common council.

Said board shall transmit a certificate of the sums so estimated by said board to the common council annually on or before the first Monday in September, which sums so reported the council shall cause to be raised, by tax on all the taxable property in the city, with the general city taxes next thereafter to be raised.

Board may borrow money, for what purposes and amount.

SEC. 10. For the payment of the current expenses, the board of education may borrow, from time to time, in anticipation of the collection of taxes levied or herein authorized to be levied during the same year for school purposes, such sum, not exceeding the tax, and to be paid therefrom, as they may deem expedient. For the purchase of grounds and the erection and furnishing of school buildings, and for the payment of indebtedness incurred for such purposes, the said board may, in addition to all of the sums herein authorized to be raised, borrow from time to time upon such terms and time as it shall find expedient, any sum not exceeding in any one year one-half of one per cent of the taxable valuation of the property in the district; for any sums borrowed, and for all renewals of former loans, the board may issue the bonds of the "Public schools of the city of Muskegon," for payment of which the faith of the district shall be pledged.

Larger sums may be raised by tax.

SEC. 11. Should any greater sum be required in any one year than can be raised under the provisions of the foregoing section, such sum, not exceeding one per cent of the taxable valuation of the property in the city for the preceding year, may be raised by tax or loan, if authorized by a majority vote of the qualified electors of the school district, present at any special meeting appointed and called by the board for the purpose of voting thereon. Notice of the time and place and object of any such meeting shall be given by publishing such notice in one or more of the newspapers of the city, and by posting copies thereof in some public place in each supervisor district of said city at least ten days before the meeting; and such meeting shall be held in the same manner as herein provided for annual meetings, as near as may be.

SEC. 12. The treasurer of said district, before he shall enter upon the duties of his office, shall give bond to the public schools of said city in such sum and with such sureties as the board of education shall approve, conditioned for the faithful discharge of the duties of his office, and to account for and pay over all moneys that shall come into his hands by virtue of such office. Said treasurer shall have power, under the direction of the board of education and in the name of the public schools of said city, to collect the moneys due said district from the city or county treasurers, or from tuition of pupils who are not actual residents of said district, or that may be due said district in any other manner whatever. All school and library moneys receivable from the county treasurer, and from the collection of taxes and other sources, shall be deposited with the treasurer of the public schools, and shall not be used, applied to or paid out for any purpose except upon the written order of the president, countersigned by the secretary of the board.

Treasurer's
bond.

Power and
duties of
treasurer.

SEC. 13. The secretary of the board shall receive such compensation for his services as the board shall determine, otherwise no member of the board shall receive any compensation; no member of the board shall be a party to or interested in any contract with the public schools.

Compensation
of secretary,
etc.

SEC. 14. The school board of the city of Muskegon, as at present constituted, shall give notice of the annual election to be held on the second Monday of July, eighteen hundred and eighty-seven, and shall appoint two inspectors of election, which inspectors shall provide a ballot box and proceed to conduct said election, canvass the votes and declare the result as herein provided.

Notice of
election, etc.

SEC. 15. At the meeting of the board of education next preceding the annual meeting, or any special meeting to be held hereunder, it shall be the duty of said board to elect from its number two members of said board, who shall constitute a board of inspectors for the purpose of conducting the annual election of trustees of said district.

Board of
inspectors of
election.

SEC. 16. Said board of inspectors shall, before opening the polls, appoint a suitable person to act as clerk of the election, and said clerk so appointed shall take the constitutional oath of office, which oath either of said inspectors may administer, and the clerk so appointed and each inspector so chosen shall receive two dollars for his services at said election, to be paid by the treasurer of said board of education.

Clerk of
election.

SEC. 17. Said board of inspectors shall provide a ballot box at the expense of said district, and open the polls at the central school building in said city, or such other suitable and convenient place as the board of education may designate and provide, giving public notice as required by law, for the election of trustees, whose terms of office shall be for three years, and for election of trustees to fill any vacancies existing upon said board for the unexpired term, and until their successors shall have been elected and qualified. Said polls shall be open at three o'clock in the after-

Ballot box,
notice of
election,
opening of
polls, etc.

noon or as soon thereafter as may be, on the day of the annual school meeting, and shall continue open until eight o'clock in the evening; but said inspectors may adjourn the polls at five o'clock P. M. for one hour in their discretion.

Qualification of electors and manner of balloting.

SEC. 18. The qualifications of male and female electors shall be the same as is or may be provided by the general school laws for school districts. Each elector offering to vote shall deliver his or her ballot to one of the inspectors in the presence of the board, who shall deposit the same in the ballot box.

Challenge of voters and form of oath to be administered.

SEC. 19. If any person offering to vote at such election shall be challenged by any legal voter of said district as disqualified, one of the inspectors shall declare to the person so challenged the qualifications of the voter, and if such person shall state that he or she is qualified, and the challenge shall not be withdrawn, the said inspector shall tender him or her an oath or affirmation in substance as follows: "You do swear (or affirm) that you are twenty-one years of age; that you have been for the last three months an actual resident of this school district or residing upon territory now attached to the school district, and that you are liable to pay school district tax therein." Or he or she may take the following oath or affirmation, to wit: "You do swear (or affirm) that you are twenty-one years of age; that for the past three months you have been an actual resident of this school district or residing upon territory now attached to the school district, and that you are the parent or legal guardian of one or more children now included in the school census of this district," and any person taking either of said oaths or affirmations shall be permitted to vote at such election.

False swearing perjury.

SEC. 20. If any person so challenged shall refuse to take such oath or affirmation, his or her vote shall be rejected, and any person who shall willfully take a false oath or make a false affirmation under the provisions of the preceding section, shall be deemed guilty of perjury.

Poll list.

SEC. 21. The clerk of the election shall keep a poll-list which shall contain the names of all electors voting at such election, and at the close of the polls the inspectors shall immediately proceed to canvass and ascertain the result of the election, which canvass shall be published and the result thereof declared as in elections held under the general laws of this State. The clerk of said election shall file a certificate of such election with the secretary of said board, who shall at once notify the trustees-elect of their election. Such trustees-elect shall file with the secretary of the board an acceptance of the office in writing within ten days after receiving such notice, or be deemed to have declined the same. In case of declination the board shall fill the vacancy by appointment, to hold until the next annual meeting.

Certificate of election, etc.

Schools may hold certain property.

SEC. 22. The public schools of the city of Muskegon aforesaid shall have power to take, accept and hold any real or personal estate by gift, bequest or devise, for any purpose connected with the schools of said district, or for the benefit of said library, and said board of education shall use and appropriate the same for

the purposes and uses mentioned in the instrument giving, granting or devising the same, and for no other purpose.

SEC. 23. All the school buildings, property and effects situated within the city of Muskegon at the time of the passage of this act, are hereby vested in and shall become the property of the district hereby designated as the "Public schools of the city of Muskegon;" and all the debts and liabilities of any school district within the territory incorporated as a school district by this act, shall be the debt of and be paid by the new district; and any suit pending against any such former school district may be prosecuted and enforced, in the same manner as if this incorporation had not taken place.

Public schools of the city of Muskegon to be vested with certain property and liable to certain debts, etc.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 523.]

AN ACT to detach certain territory from the township of Greenbush in the county of Alcona, and organize the same into a separate township to be known as the township of Mikado.

SECTION 1. *The People of the State of Michigan enact*, That township twenty-five north, of range seven east, and township twenty-five north, range eight east, be and the same is hereby detached from the township of Greenbush and organized into a separate township, to be known as the township of Mikado.

Territory detached and organized.

SEC. 2. The first annual meeting in said township of Mikado shall be held on the first Monday of April, eighteen hundred and eighty-eight, at the postoffice in the township of Mikado. John I. Butterfield, Philip O. Partridge and John Reynolds are hereby made and constituted a board of inspectors of said township election, and at such election the qualified voters shall elect by ballot persons to fill the various township offices, in manner and form as provided by the general law of this State in case of township elections.

First annual meeting. Inspectors of election.

SEC. 3. If for any reason the township meeting provided for in the last preceding section shall not be held at the time designated for holding the same, it shall and may be lawful to hold the same at any time thereafter, by giving at least fifteen days' notice of the time and place of holding such meeting by posting notices thereof in four of the most public places in said township, which notice may be given by said board of inspectors or a majority of them.

Township meeting may be held at other than time designated.

SEC. 4. If, for any cause, all or either of the inspectors hereby appointed shall neglect or be unable to attend the first township meeting at the time specified, it shall be lawful for the electors of said township who shall be present at the time for the opening of the polls of said election, to choose from the electors present suitable persons to act as inspectors of said election,

Filling vacancies in board of inspectors.

in place of said inspectors who shall neglect or be unable to attend said board.

Board of
registration.

SEC. 5. And John I. Butterfield, Philip O. Partridge and John Reynolds shall constitute a board of registration, with like powers and duties of township boards of registration in other cases, and the holding of the session of said board of registration shall be at the postoffice in said township of Mikado.

Settlement
between
Greenbush
and Mikado
townships.

SEC. 6. That at the settlement between said townships of said Greenbush and Mikado, said township of Mikado shall assume and pay to the township of Greenbush their portion of the present indebtedness now outstanding against said township of Greenbush, in proportion to the assessed valuation of said township of Mikado; and that the town hall in said township of Greenbush shall remain the property of said township of Greenbush.

[This act is ordered to take immediate effect by the house.]

Approved June 18, 1887.

[No. 524.]

AN ACT to amend act number three hundred and seventeen of the session laws of eighteen hundred and eighty-three, being an act entitled "An act to organize a public library in West Bay City," by adding a new section thereto numbered section nine, for the purpose of providing a fund for the enlargement and improvement of said public library.

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number three hundred and seventeen of the session laws of the State of Michigan for the year eighteen hundred and eighty-three, being an act entitled "An act to organize a public library in West Bay City," be amended by adding a new section thereto to be known as section nine, for the purpose of providing a fund for the enlargement and improvement of the public library in West Bay City.

\$1,000 to be
raised by tax
annually.

SEC. 9. The common council are hereby authorized and required to raise by tax, bond or otherwise, and to set aside, appropriate and place in the hands of the treasurer of such board of trustees annually, the sum of one thousand dollars, for the period of ten years next ensuing, in addition to all other sums of money provided for in this act; said money to be devoted exclusively to the purchase of new and additional books, pamphlets and reading matter for said library, under the direction and supervision of the board of trustees of said library: *Provided*, That no such tax shall be levied or raised unless some person or persons donate, give, devise or bequeath a like sum to be added to the fund herein provided, for a like purpose; and said city, or the common council thereof, are hereby authorized to receive for such purpose any sum or sums of money so given, devised or bequeathed for such purpose, or to make written contracts or

Proviso as to
donation.

agreements with any person or persons to provide such fund for such purpose.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 525.]

AN ACT to authorize the city of Stanton in the county of Montcalm to borrow money to make public improvements in said city.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Stanton in the county of Montcalm shall be and is hereby authorized and empowered to borrow money on the faith and credit of said city and issue bonds therefor, to an amount not to exceed thirty thousand dollars, which shall be expended in making public improvements in said city of Stanton: *Provided*, That a majority of the electors of said city, voting at an election to be called in compliance with the provisions of this act, shall vote in favor of such loan in the manner specified in this act, and not otherwise.

Common council authorized to borrow money.

For what purpose.

Proviso as to vote of electors.

SEC. 2. The question of raising said money by loan shall be submitted by the common council of said city to the electors thereof, and the vote shall be taken as near as may be in accordance with the provisions of chapter twenty-three of an act entitled "An act to incorporate the city of Stanton," approved March tenth [10,] eighteen hundred and [eighty-one [1881,] and the acts amendatory thereto.

How vote taken.

SEC. 3. If such loan shall be authorized by a majority of such electors voting at such election, said bonds may be issued in such sums, not exceeding the amount hereinafter limited, and payable at such times with such rates of interest, not exceeding six per centum per annum, as the common council shall direct, and shall be signed by the mayor and clerk and sealed with the seal of said city and negotiated by or under the direction of said common council, [and] the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purposes [purpose] aforesaid, and the said common council shall have power, and it shall be their duty to raise by tax upon the taxable property of said city, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, as fast as the same shall become due.

Bonds, how issued, etc.

How money to be appropriated. Payment of bonds and interest.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 526.]

AN ACT to authorize the village of Benton Harbor to raise money to aid in the construction of water-works and to furnish a water supply for said village.

Trustees
authorized to
borrow money,
etc.

How to be
expended.

Provide as to
vote of electors.

Notice of
meeting of
electors.

How meeting
conducted.

Bonds, how
issued.

How money
appropriated.

Payment of
bonds and
interest.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the village of Benton Harbor shall be and are hereby authorized to borrow money, on the faith and credit of said village, and to issue bonds therefor to an amount not exceeding eight per cent of the assessed valuation for the year eighteen hundred and eighty-six, which said sum shall be expended in aiding the construction of water-works and water-power, and furnishing a water supply for said village of Benton Harbor: *Provided*, That a majority of the qualified electors of said village shall vote for such loan in the manner herein specified, and not otherwise.

SEC. 2. Whenever the board of trustees of said village shall deem it necessary to issue bonds of the village, for the purpose mentioned in the preceding section, they shall call a meeting of the electors qualified as aforesaid, by posting notices in five of the most conspicuous places of said village, at least ten days previous to the time of such meeting, and by publishing the same for at least three weeks previous to said meeting in some newspaper printed in said village, giving notice of the time and place of such meeting, also specifying the amount of and the object for which it is proposed to issue said bonds. Said meeting shall be under the control of the board of trustees of said village, and shall be conducted in the same manner, and the canvass of votes shall be as near as may be, as in other elections held under the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages."

SEC. 3. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding seven per cent per annum, as the board of trustees of said village shall direct, and shall be signed by the village president and countersigned by the village clerk, and sealed with the seal of said village, and negotiated by or under the direction of the said board of trustees at not less than their par value; and the money arising therefrom shall be appropriated in such manner as the said board of trustees shall determine for the purpose aforesaid, and upon such terms and conditions as shall be agreed upon between the said board of trustees and the Chicago and Lake Paw Paw Water Power and Navigation Company, and the said board of trustees are hereby authorized to make such agreements as may protect the rights and interests of said village for the purpose hereinbefore mentioned; and the said board of trustees shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds, and

the interest thereon, as fast as the same shall become due, which said tax shall be levied and collected as provided for levying and collecting other special taxes.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 527.]

AN ACT to amend sections fifteen and twenty of act number two hundred and eleven of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the village of Lowell," approved March fifteen, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact, That* sections fifteen and twenty of act number two hundred and eleven of the session laws of eighteen hundred and sixty-one, entitled "An act to incorporate the village of Lowell," approved March fifteenth, eighteen hundred and sixty-one, as amended by the several acts amendatory thereof, be and the same are hereby amended so as to read as follows: Section amended.

SEC. 15. The common council shall have the power to make all such by-laws and ordinances as shall be necessary to secure the inhabitants of said village against injuries by fire, thieves, robbers, burglars and other persons violating the public peace; to regulate the construction of chimneys, fire-places, putting up of stoves and pipes, and any other thing that may be dangerous in causing fires; to regulate the cleaning of chimneys, and to appoint one or more officers to enter all buildings to discover whether the same are in a dangerous state, and to cause such as are in such dangerous state to be put in a safe condition; also to regulate the construction and location of all blacksmith, cooper, carpenter and wagon shops, planing and cabinet making establishments, bakeries, and all other buildings or trades deemed extra hazardous in respect to fire; to establish, construct, maintain, regulate and keep in repair a system of water-works for the purpose of supplying the village of Lowell with water for municipal, domestic and other purposes; and, in case the common council shall by resolution declare that it is expedient, to have constructed works for the purpose of supplying such village, or the inhabitants thereof with water, but that it is inconvenient for the village itself, or the said common council, to construct such works, the said common council shall have the power to contract with any properly authorized corporation to furnish water for the supply of said village for public, municipal, fire or other purposes; and in that case it may grant to such company or corporation such rights to the use of the streets, alleys, wharves and public grounds of said village as shall be necessary to construct the proper works for the supply of water for the use of such village, and shall impose such reasonable restrictions and limitations upon the use Power of council to make by-laws, etc., relative to fire, etc.

Water-works, etc.

of the rights thus granted, and as to the charging and collecting of tolls, water-rates, or other compensation for the supply of water to be furnished by said company to said village, or its inhabitants, as it may deem proper. And the said common council shall further have the right to insert in said ordinance a time or times at which, or within which, the said common council shall have the right to purchase from such company the corporate rights and privileges, and such buildings, reservoirs, fixtures, apparatus, hydrants and water pipes as may be necessary or convenient for the purpose of furnishing water for public and private use in said village, and prescribing the manner in which the price thereof shall be determined. And the company accepting the rights granted in said ordinance shall hold the rights so granted on condition that they sell to the said common council in the manner and at the price determined as provided in said ordinance. And at the time or times, and in the manner prescribed in said ordinance, the said common council shall have authority to purchase the said aforesaid property and machinery, and to raise money or issue bonds for the payment of the same as hereinafter provided. And the said common council shall further have authority to establish, maintain and regulate all such fire engine, hook and ladder and hose and bucket companies as they may deem expedient, and to provide such companies with necessary buildings, engines and other implements to prevent and extinguish fire, and [to] appoint from among the inhabitants of said village, such number of those willing to accept as they may deem proper, to be employed as firemen: *Provided*, That each engine and hook and ladder company shall have the power to elect their own officers and pass by-laws for the organization and government of said companies, subject to the approval of the common council. Every person belonging to such company may obtain from the recorder of said village a certificate to that effect, which shall be evidence thereof. The members of any such company, during their continuance as such, shall be excused from all duty in the militia in times of peace, also from serving on any jury in the courts of this State, or payment of poll-tax. It shall be the duty of every fire company to keep in good and perfect repair the fire engines, hose, ladders and all other instruments used by such company, and upon the alarm or breaking out of any fire within said village, each fire company shall forthwith assemble at the place of such fire, if within the limits of said village, with their engine and other implements of each of said fire companies, and be subject to the order of the chief engineer of the fire department. It shall be the duty of each fire company to assemble, as often as may be directed by the common council, for the purpose of examining and working said engines and other implements, keeping them in good order and repair.

Fire engines,
etc.

Proviso as to
officers and
members of
fire companies.

Authority to
collect taxes to
defray expenses
of water-works
and fire
department.

SEC. 20. The common council shall have authority to levy and collect taxes on the real and personal property within the limits of the village, by them deemed necessary to defray the expenses thereof, which shall not exceed one-fourth of one per cent on the

valuation thereof for the general fund, one-half of one per cent in addition thereto for hydrant service and a supply of water for municipal and fire purposes, one-fourth of one per cent in addition thereto for the fire department: *Provided*, That if necessary, the council may raise such an amount by special tax, as may be necessary, for building and furnishing buildings for the care and protection of the fire property of the village, and for the purchase of such fire engines, hose therefor, and such other fire apparatus as the council may deem necessary, not exceeding three thousand dollars in any one year. In case the said common council should purchase the property and franchises of any corporation as provided in section fifteen of this act, it shall be authorized to borrow the whole or any part of the money necessary for that purpose, and to issue bonds therefor in such forms and on such terms as shall be approved by said common council, and [it] shall have power further to levy taxes in addition to those hereinbefore provided for the payment of the same, not to exceed two per cent of the assessed valuation of the taxable property in said village, sufficient to pay the principal and interest of such bonds: *Provided, however*, That it shall not be lawful for such common council to borrow money or [to] issue its bonds for the purpose of the purchase of the said works, property or rights of said company, until the question of borrowing the same shall have been submitted to a vote of the electors of the village, at an annual or special election called by the council for that purpose, and a majority of the electors of said village voting therefor by ballot. If a special election shall be had, it shall be appointed by the resolution of the common council to be held at such time and place as they shall determine, which resolution shall fully set forth the purpose and object of such election. Notice of the time and place of holding such election shall be given by the clerk, at least ten days before [such election, by posting such notices in three public places in said village, and by publishing a copy thereof in a newspaper in said village, if any be published therein, for the two weeks next before the election, which notices shall fully set forth the purpose and object of such election. In case such question shall be submitted to a vote at any regular annual election, the notice of such election shall contain, in addition to what is already required by law, a full statement of the purpose and object of the vote for the borrowing of said money and issuing of said bonds to be taken as herein provided. The electors voting at any such election for the loan shall have written or printed, or partly written and partly printed upon their ballots the words: "For the purchase of water-works—Yes;" and those voting against such loan shall have written or printed, or partly written and partly printed upon their ballots the words: "For the purchase of the water-works—No;" *And provided further*, That no such special tax or money raised by bonding the village shall be used for any other purpose whatever, except for purposes as aforesaid, and the council may raise one per cent in addition to the above as a highway tax, and shall have power and authority to make all necessary ordinances for the collection of the same, and

Proviso as to special tax.

In case of purchase of water-works. Authorized to borrow money to pay therefor.

Proviso as to vote of electors, etc.

Notice of election.

Contents of notice.

Further proviso as to use of money.

Additional highway tax.

To be a street
fund.

every assessment lawfully imposed by the council on any lands, tenements or hereditaments, from the time of imposing the same, shall be and remain liable for such tax or assessment until the same is paid, and the owner, occupant or occupants or parties interested in said real estate shall be liable on demand to pay every such tax. The said highway tax shall constitute a street fund, and the same shall be expended on the highways and streets in the village by one or more street commissioners appointed by the council and under the direction of the council.

This act is ordered to take immediate effect.

Approved June 18, 1887.

[No. 528.]

AN ACT to incorporate the village of Pinconning in Bay county, Michigan.

Territory
incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all those certain tracts or parcels of land lying and situate in the township of Pinconning in the county of Bay and State of Michigan, to-wit: The north half of the northwest quarter of section twenty-six [26], the southwest quarter of section twenty-three [23], the south half of the northwest quarter of section twenty-three [23], the southeast quarter of the northeast quarter of section twenty-two [22], the east half of the southeast quarter of section twenty-two [22], and the northeast quarter of the northeast quarter of section twenty-seven [27], all in town seventeen [17] north, of range four [4] east, is hereby constituted a village corporate known and designated as the village of Pinconning.

First election.

SEC. 2. The first election of officers in said village shall be held on the second Monday of June in the year one thousand eight hundred and eighty-seven.

Board of
registration.

SEC. 3. Louis A. Pelkey, Samuel S. Morris and Charles F. Ford are hereby constituted a board of registration for the purpose of registering voters for the first election to be held in said village, and said board of registration are hereby required to meet at the town hall in said village on the Saturday next preceding the said second Monday in June, eighteen hundred and eighty-seven, and to register the names of all persons residents of said village presenting themselves for registration, having the qualification of voters at annual township meetings, and said board of registration shall hold its subsequent meetings on the Saturday next preceding the day fixed by act number sixty-two of the session laws of eighteen hundred and seventy-five for the holding of elections in villages.

Meeting of
board.

Notice of
election.

SEC. 4. Notice of said first election of officers of said village shall be posted in three public places in said village, at least ten days before the time of said election, which notice shall be signed by said board of registration or any two of them.

SEC. 5. The said village of Pinconning, in all things not

herein otherwise provided, shall be governed by and its powers and duties defined by act number sixty-two of the session laws of eighteen hundred and seventy-five, entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, and the acts amendatory thereto.

Governed by
general law.

SEC. 6. In case the said officers are not elected at the time designated in section two of this act, an election for officers may be had at any time within one year from the time designated in section number two of this act, on notice being given as provided in section four of this act.

Election may be
held at other
than time
specified.

This act is ordered to take immediate effect.

Approved June 20, 1887.

[No. 529.]

AN ACT to revise and amend the charter of the city of Saginaw and to repeal act number two hundred and twenty-seven, local acts of eighteen hundred and eighty-three, entitled "An act to revise and amend the charter of the city of Saginaw and to repeal act number four hundred and ninety-six of the laws of eighteen hundred and sixty-seven, entitled 'An act to revise and amend the charter of the city of Saginaw,' approved February five, eighteen hundred and fifty-nine," approved March sixteen, eighteen hundred and eighty-three, as amended by act number three hundred and thirty-eight, local acts of eighteen hundred and eighty-five, approved April twenty-nine, eighteen hundred and eighty-five.

TITLE I

INCORPORATION—CITY AND WARD BOUNDARIES.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory in the county of Saginaw and State of Michigan, to wit: Beginning at the center of the Saginaw river on the quarter line of section thirteen (13), in township twelve (12) north, of range four (4) east, thence west along the quarter line of sections thirteen, fourteen and fifteen to the west line of said section fifteen in said township, thence south on the section lines to the center of the Tittabawassee river, thence along the center of said river to the center of the Saginaw river, and thence along the center of the Saginaw river to the place of beginning, be and the same is hereby set off and constituted an incorporated city by the name of "The city of Saginaw," and by that name may sue and be sued, implead and be impleaded, complain and defend, in any court of record and any other place whatsoever; may have a common seal and alter it at pleasure; and may take, hold, purchase, lease, convey and dispose of any real, personal or mixed estate for the use of said corporation:

Territory
incorporated.

Proviso as to
addition of
territory.

And be it further provided, That the territory heretofore described in this section shall continue to constitute the city of Saginaw until the first Monday of April, eighteen hundred and ninety-one, and thereupon, by force of this act, there shall be added and annexed to said city of Saginaw, as constituted by this section, the following territory, to wit: All the territory then embraced within and known as the township and village of Carrollton; also the territory now embraced within and known as the city of East Saginaw.

First ward.

SEC. 2. Said city shall be divided into six wards. The first ward shall comprise all that part of said city within the following boundaries, to wit: Commencing at the center of the Saginaw river on the quarter line of section thirteen (13), in said township twelve (12) north, of range four east; thence west on said quarter line to the center of said section fourteen (14) in said township, that being the center of Eighteenth street in said city; thence south on and along the center of Eighteenth street to the center of section twenty-three (23) in said township twelve (12) north, of range four (4) east; thence east on and along the east and west quarter line of sections twenty-three (23) and twenty-four (24) to the center of the Saginaw river; thence along the center of the Saginaw river to the place of beginning. The second ward

Second ward.

shall comprise all that part of said city within the following boundaries, to wit: Commencing in the center of the Saginaw river at a point where it is intersected by the east and west quarter line of section twenty-four in said township twelve north, of range four east; thence west on and along the east and west quarter line of sections twenty-four and twenty-three to where it intersects Eighteenth street; thence north on and along the center of Eighteenth street to the north line of said city; thence west on and along the north line of said city to the center of Bay street; thence south on and along the center of Bay street to the southwest corner of the northwest quarter of section twenty-three, in said township twelve (12) north, of range four east; thence east on the east and west quarter line of said section twenty-three to the center of Madison street in said city; thence south and southeasterly on and along the center of Madison street to the center of the Saginaw river; thence along

Third ward.

the center of the Saginaw river to the place of beginning. The third ward shall comprise all that part of said city within the following boundaries, to wit: Commencing in the center of the Saginaw river at the foot of Madison street; thence northwesterly and north on and along the center of Madison street to the east and west quarter line of said section twenty-three; thence west on said quarter line to the center of Bay street; thence north on and along the center of Bay street to the north line of said city; thence west and along the north line of said city to the north and south quarter line of section fifteen in said township twelve north, of range four east, thence south and along said quarter line to the center of Court street; thence on and along the center of Court street to the center of the Saginaw river; thence along the center

of the Saginaw river to the place of beginning. The fourth Fourth ward. ward shall comprise all that part of said city within the following boundaries, to-wit: Commencing at the center of the Saginaw river at the foot of Court street, thence on and along the center of Court street to the north and south quarter line of section twenty-two in said township twelve north, of range four east; thence north on and along said quarter line to the north line of said city; thence west on and along said north line to the center of Mackinaw street; thence on and along the center of Mackinaw street to the center of the Saginaw river; thence along the center of the Saginaw river to the place of beginning. The fifth Fifth ward. ward shall comprise all that part of said city within the following boundaries, to wit: Commencing in the center of the Saginaw river at the foot of Mackinaw street; thence on and along the center of Mackinaw street to the north line of said city; thence west on and along said north line to the section line between sections fifteen and sixteen of said township; thence south on and along said section line to the center of Gratiot street; thence east on and along the center of Gratiot street to the center of First street; thence south on and along the center of First street to the center of Waller street; thence southeasterly on and along the center of Waller street to the center of the Saginaw river; thence along the center of the Saginaw river to the place of beginning. The sixth Sixth ward. ward shall comprise all that part of said city lying and being south and west of the fifth ward: *Provided, also,* That the wards of said city shall remain as provided in this act up to and until the first Monday in April, eighteen hundred and ninety-one; but that after that date there shall be, in addition to said wards, a seventh ward in said city which shall be composed of the territory left by this act within the township of Carrollton and the village of Carrollton, and a ward eight which shall be composed of the territory now embraced in the first ward of East Saginaw, which is added to the city of Saginaw by the first section of this act; there shall also be wards nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, which shall be composed respectively of the territory now embraced in wards second, third, fourth, fifth, sixth, seventh, eighth and ninth of the city of East Saginaw: *Provided further,* Provide as to additional wards. That six months prior to the next session of the Legislature a committee consisting of three persons from the city of Saginaw shall be appointed by the common council of said city, and a committee consisting of three persons from the city of East Saginaw shall be appointed by the common council thereof, who shall prepare, upon a just and equitable basis, so as to properly protect the rights and interests of all the people residing within the territory to be affected by the consolidation of the same, a charter for said city of Saginaw. And in case of any disagreement of said committee the questions upon which they disagree shall be submitted to Benton Hanchett, of Saginaw City, who shall act as arbiter, and whose decision shall be binding and conclusive upon said committee as to the provisions in said charter: *And provided,* Further provide as to a new charter. That in

Proviso. case one of the said cities shall neglect or refuse to appoint such committee, then the committee appointed by one of said cities shall act and perform all the duties imposed by this amendment, with said Benton Hanchett, as aforesaid, who shall then act as one of said committee, and the compensation of said committee shall be audited and allowed by the common council appointing the same; and said committee shall submit the charter so prepared to the next Legislature for its adoption.

TITLE II.

OFFICERS—WHO ELECTED, WHO APPOINTED, QUALIFICATION, OATH, REMOVAL, VACANCY, ELECTIONS, HOW CONDUCTED, ETC.

City officers, how elected. SECTION 1. The following officers of the city of Saginaw shall be elected at the annual city election by the qualified electors of the whole city, voting in their respective wards on a city ticket, viz: One mayor, one recorder, one treasurer, and four justices of the peace. The following officers of the city shall be elected at said election on a ward ticket in each ward, by the qualified electors thereof, viz: Two aldermen, one supervisor, and one constable.

Who eligible. SEC. 2. No person shall be eligible to either of said elective offices, unless he shall then be an elector and resident of the city, nor shall he be eligible to any such office for any ward, unless he shall then be an elector and resident of such ward, and when any officer elected or appointed for the city shall cease to reside in said city, or if elected or appointed for any ward shall cease to reside in such ward, his office shall thereby become vacant.

Annual election. SEC. 3. An election shall be held in each ward annually, on the first Monday in April, at such place as the common council shall designate. Notice thereof shall be given by the controller at least six days previous to the election, by publishing the same in a newspaper printed and circulated in said city, and by posting printed notices of the holding of said election, in at least three public places in each ward at least six days previous to said election.

Election of treasurer, justice of the peace, mayor and recorder. SEC. 4. At the annual election in the year eighteen hundred and eighty-eight, and at every annual election thereafter, there shall be elected by the qualified electors of the city, voting in their respective wards, one justice of the peace for the term of four years and one mayor for the term of one year. At the annual election in the year eighteen hundred and eighty-nine, and at every annual election thereafter, there shall be elected by the qualified electors of the city, voting in their respective wards, one recorder for the term of one year. At the annual election in the city in the year eighteen hundred and eighty-nine, and every two years thereafter, there shall be elected by the qualified electors of the city, voting in their respective wards, one treasurer, who shall hold his office for the term of two years, or until his successor shall be elected and qualified. At the annual election in the

Aldermen.

city in the year eighteen hundred and eighty-eight, and annually thereafter, there shall be elected in each ward, by the qualified electors thereof, one alderman for each of said wards, who shall hold his office for the term of two years. There shall also be elected annually in each ward one constable, who shall hold his office for the term of one year. At the annual election in the city in the year eighteen hundred and eighty-eight, and every three years thereafter, there shall be elected in the fourth and sixth wards one supervisor for each of said wards, who shall hold his office for the term of three years. At the annual election in the city in the year eighteen hundred and eighty-nine, and every three years thereafter, there shall be elected in the second and fifth wards one supervisor for each of said wards, who shall hold his office for the term of three years. At the annual election in the city in the year eighteen hundred and ninety, and every three years thereafter, there shall be elected in the first and third wards one supervisor for each of said wards, who shall hold his office for the term of three years: *Provided*, That whenever there shall be a vacancy in the office of supervisor, or when the incumbent shall, by sickness or from other cause, be unable to perform the duties of such office, the common council may make a temporary appointment of a suitable person to fill such vacancy, and such person so appointed shall take the oath of office as required by law, and shall continue to discharge such duties until the said office shall be filled by election, or until the disability aforesaid be removed.

Constables.

Supervisors for
4th and 6th
wards.Supervisors for
2d and 5th
wards.Supervisors for
1st and 3d
wards.Proviso as to
vacancies, etc.

SEC. 5. The common council, on the nomination of the mayor, shall have power, and it shall be the duty of the common council to appoint the following city officers, viz: A controller, a city attorney, a street commissioner, a chief engineer, a city surveyor, a city physician and one or more assistant engineers of the fire department, a director of the poor, a marshal, and such other officers as the common council may from time to time deem necessary to carry into effect the powers granted by this act. Such appointments shall be made only by a majority vote of all aldermen elect. The terms of all officers appointed by the common council as aforesaid shall commence on the first Monday of March. The controller shall be appointed and hold his office for the term of two years, and each of the other above named officers for the term of one year; but officers appointed to fill a vacancy shall hold only for the remainder of the term. The mayor shall submit to the common council his nominations to the above named offices at the first regular meeting in the month of February, and the common council shall act thereon at the last regular meeting in said month. The common council may also appoint such other officers or boards of officers as are herein provided for, or which may be created by the ordinances of said city made pursuant to the provisions of this charter, and such appointments shall be made as herein provided; and all such appointees shall hold office during the pleasure of the common council.

Appointed
officers.Terms of
office.When appoint-
ments to be
made.

SEC. 6. When any vacancy occurs in any of the offices which

Vacancies in
appointive
offices, how
filled.

are filled by appointment by the common council either by death, resignation or removal of the incumbent, the said council may fill such vacancies by appointment for the remainder of the unexpired term for which such officer was appointed, in the manner provided in this act for appointment to such office.

Removal of
officers.

SEC. 7. All officers appointed by the common council by virtue of the powers conferred by this act, may each be removed from office by the common council for incompetence, for official misconduct, or for the unfaithful and inefficient performance of the duties of his office, or for disobedience of the ordinances or resolutions of the common council lawfully made: *Provided*, No officer who is required to be elected by ballot, or who is required by this act or by the common council to give bonds, shall be removed without reasonable notice of the charges against him and an opportunity to be heard in his defense, in person and by counsel, nor unless two-thirds of all the members elected to the common council shall, after such notice and hearing, vote for such removal.

Proviso.

Opening and
closing polls.

SEC. 8. On the day of election, held by virtue of this act, the polls shall be opened in each ward at the several places designated by the common council, at eight o'clock in the morning, and shall be kept open without intermission or adjournment until five o'clock in the afternoon, at which hour they shall be finally closed.

Who qualified
electors.

SEC. 9. The inhabitants of the city, being electors under the constitution of the State of Michigan, and no others, are declared to be electors under this act and qualified to vote at the elections held by virtue of this act; and each person offering to vote at any such election, if challenged by an elector of said city before his vote shall be received, shall take one of the oaths now or at any time hereafter provided by the general laws of this State, unless such person shall claim to be an elector under the proviso named in section twenty-six of this title, and in that case the oath shall be varied according to that proviso, which oath shall be administered to him by one of the inspectors of election.

Challenge of
voters and oath
required.

Inspectors and
clerk of
elections.

SEC. 10. The aldermen of each ward shall be the inspectors of all elections therein, and at all elections shall appoint two competent persons to be clerks thereof, who shall take the oath of office required by law; and each of said inspectors shall be authorized to administer any oaths required by law to be taken by either of said inspectors, clerks or other persons at said elections.

Ballots.
Manner of
voting, etc.

SEC. 11. The electors shall vote by ballot, and each person offering to vote shall deliver his ballot, so folded as to conceal its contents, to one of the inspectors, in the presence of the board; the ballot shall be a paper ticket, which shall contain written or printed, or partly written or partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons designated for any office than there are persons to be chosen at the election to fill such office. On the outside of each ballot, when folded, there shall appear written or printed one of

the following words, "ward," "city," but no ballot found in the proper box shall be rejected for want of such endorsement.

SEC. 12. The ballot upon which shall appear the word "city" shall contain the names of persons designated as officers for the city; the ballot upon which shall appear the word "ward" shall contain the names of persons designated as officers for a ward, and before the word "ward" shall appear the number of the ward. The common council shall provide the necessary ballot boxes for each ward and election district with locks and keys, in which ballot boxes the votes cast shall be deposited.

Contents of ballots.

Ballot-boxes.

SEC. 13. If at any annual election to be held in the city there shall be one or more vacancies to be supplied in any office, and at the same time any person is to be elected for the full term of said office, the term for which each person is voted for, for the said office, shall be designated on the ballot.

Terms to be designated on certain ballots.

SEC. 14. Immediately after the closing of the polls, the inspectors of election shall proceed to publicly canvass the votes received by them and ascertain the result of the election, and shall then publicly declare the same; and shall on the same, or on the next day, make a certificate stating the number of votes given for each person for each office, and shall file such statement and certificate on the day of election, or on the next day, with the controller.

Canvass of votes and certificate of election.

SEC. 15. It shall be the duty of the inspectors of election on receiving the votes, as specified in section eleven of this title, to cause the same, without being opened or inspected, to be deposited in the proper box provided by the common council for that purpose; the said board shall also write down, or cause to be written down, the name of each elector voting at such election, in a poll list to be kept by said inspectors of election or under their direction. The said inspectors shall, at the close of the election, proceed to canvass and count, first, the ballots cast for the city officers; second, the ballots cast for ward officers; and third, the ballots cast for other officers or objects; and the manner of canvassing and counting therefor [thereof] shall be the same as is now or may hereafter be provided by the general laws of the State for the canvass and count of votes by inspectors of elections, except as is otherwise provided in this act.

Duties of inspectors of election.

Manner of canvassing.

SEC. 16. The person receiving the greatest number of votes for any office in said city or ward, shall be deemed to have been duly elected to such office; and if any officer shall not have been chosen, by reason of two or more candidates having received an equal number of votes for the same office, the common council shall take, at the meeting thereof provided for in section seventeen, as many strips of paper of equal size and appearance as there are persons having an equal number of votes, and write a ballot for each of such persons, one on each of said slips of paper, and shall put said ballots together in a hat or box, and one of the members of the common council shall then draw from said hat or box one of said ballots, and the person whose name shall be upon the ballot so drawn shall be declared elected.

Who deemed elected.

Proceedings in case of tie.

Proceedings of
common council
in canvassing
statement, etc.

SEC. 17. The common council shall convene on the Wednesday next succeeding such election, at seven and one-half o'clock P. M., at their usual place of meeting; and the statement of votes filed with the controller by the inspectors of election shall be produced by said controller, when the common council shall proceed to canvass such statement, and shall declare what persons are duly elected at the said election to the several offices respectively. A copy of such declaration shall be filed by the controller with the clerk of the county of Saginaw. All officers elected as hereinbefore provided shall enter upon the duties of their respective offices on the tenth day next following such election, unless otherwise herein provided.

When officer to
enter on duties
of office.

Person elected
to be notified by
controller and
take oath of
office.

SEC. 18. It shall be the duty of the controller, as soon as practicable, and within two days after the meeting of the common council, as provided in the preceding section, to notify the officers respectively of their election; and the said officers so elected and notified as aforesaid shall, within ten days after such election, take and subscribe the oath of office prescribed by the constitution of this State, before some officer authorized by law to administer oaths, and file the same with the controller.

In case of
vacancy in office
of mayor or
alderman
special election
to be called.

SEC. 19. Whenever a vacancy occurs in the office of mayor or alderman, by his refusal or neglect to take and subscribe the oath of office, within the time required by this act, by his resignation, death, ceasing to be an inhabitant of the city or ward for which he shall have been elected, removal from office, or by the decision of a competent tribunal declaring void his election, or for any other cause, the common council shall immediately appoint a special election to be held in the city or ward for which such officer was chosen, at some suitable place therein, not less than five days nor more than fifteen days from the time of such appointment: *Provided*, That in case any such vacancy shall occur in the office of alderman within three months before the first Monday of April in any year, it shall be optional with the common council to order a special election or not, as they shall deem expedient.

Proviso.

Vacancies in
other offices to
be filled by
appointment.

SEC. 20. In case a vacancy shall occur in any of the offices in this act declared to be elective or appointive, except mayor, alderman and justice of the peace, the common council may, in their discretion, fill such vacancy by the appointment of a suitable person who is an elector, and, if appointed for a ward, who is also a resident of the ward for which he shall be appointed. Any officer appointed to fill a vacancy, if the office is elective, shall hold by virtue of such appointment only until the tenth day after the election next succeeding. If an elective office, which shall have become vacant, was of that class whose term of office continues after the next annual election, a successor for the unexpired term shall be elected at the next annual election.

Appointed
officers to hold
only till next
election.

Notice of
special election.

SEC. 21. Whenever a special election is to be held, under the provisions of law or by order of the common council, the controller shall cause to be delivered to the inspectors of election in the ward or wards where such officer is to be voted for, a notice

signed by him specifying the officer to be elected, and the day and place at which such election is to be held, and the proceedings at such election shall be the same as at the regular annual election; such notice shall also be published at least six days in a newspaper printed and circulated in said city, and posted in three public places in the city or ward as the case may be, at least six days previous to the day of such special election.

Proceedings at special elections.

SEC. 22. The controller shall cause every appointed officer, as soon as practicable after his appointment, to be served with a written notice thereof, and of the amount of his official bond, if any is required, and the said officer so appointed and notified as aforesaid shall, within ten days after such notice, take and subscribe his oath of office and file the required official bond.

Appointed officers to be notified by controller take oath, etc.

SEC. 23. If any person elected or appointed under this title shall neglect to take and subscribe the oath of office, as herein directed, or to file his required official bond in the manner and within the time prescribed, the common council may declare the office in such case vacant, and such vacancy may be filled as provided in this act.

Consequence of neglect to take oath and file bond.

SEC. 24. At the first meeting of the common council after the expiration of ten days after any election or appointment of any officer or officers in the city, the controller shall deliver to the common council a list of the persons elected or appointed and of the offices to which they are chosen, specifying such as have filed with him the oath of office and official bond, if one is required, and such as shall have omitted to file the same within the time herein prescribed.

Controller to deliver list of officers, etc., to council.

SEC. 25. Resignations by any officer, authorized to be elected or appointed by this act, shall be made to the common council, subject to their approval and acceptance.

Resignation, to whom made, etc.

SEC. 26. At all city elections every elector shall vote in the ward and district where he resides, if he shall have resided in said ward or district ten days next preceding the day of election, otherwise he may vote in the ward and district from which he removed: *Provided*, He shall have resided in said ward ten days prior to such removal. The residence of an elector under this act shall be the ward where he boards or takes his regular meals.

Where electors may vote.

Proviso.

SEC. 27. At any election held under this act, if, from any cause, either or all of the inspectors of elections shall fail to attend any such election at the appointed time and place, his or their place may be supplied for the time being by the electors present, who shall elect any of their number *viva voce*, who when so elected shall be duly sworn, by an officer authorized to administer oaths, to a faithful performance of their duties.

In case inspectors fail to attend elections others may be chosen.

SEC. 28. The expenses of any election to be held as provided by this act shall be city charges, and defrayed in the same manner as the other contingent expenses of the city.

Expenses of election to be city charges.

SEC. 29. Any person elected to any office under this act, at the expiration of the term thereof, shall continue to hold the same until his successor shall be elected or appointed and qualified;

Officers to hold until successor is elected.

and when a person is elected to fill a vacancy in any elective office, he shall hold the same only during the unexpired portion of the regular time limited to such office, and until his successor shall be elected and qualified.

TITLE III.

COMMON COUNCIL—WHO SHALL CONSTITUTE, POWERS, DUTIES, PROCEEDINGS.

Common council, meetings.

SECTION 1. The mayor and aldermen of the city shall constitute the common council. They shall meet at such times and places as they shall from time to time appoint, and on special occasions whenever the mayor, or person officiating as mayor, shall by written notice appoint and cause the common council to be notified thereof.

Who to preside.

SEC. 2. The mayor when present shall preside at the meetings of the common council, and in his absence the recorder shall preside; but if both mayor and recorder be absent, then the common council shall appoint one of their number who shall preside.

When certain ordinances passed by council not to have effect.

SEC. 3. No ordinance, franchise or resolution passed by the common council, authorizing any public improvement or for or concerning the same, or for the payment of money by the treasurer, or the creation of an indebtedness or liability against the city, shall have any force or effect if, on the day of its passage or during the next three days thereafter, the mayor or other officer legally discharging the duties of mayor shall file with the controller a notice in writing suspending the immediate operation of such ordinance, franchise or resolution. If the mayor, or other officer legally discharging the duties of mayor, after he shall have filed such notice as aforesaid shall, before the next regular meeting of the common council, file with the controller in his office his reasons in writing why such suspended ordinance, franchise, resolution or vote should not go into effect, the same shall not go into effect nor have any legal operation, unless it shall at a subsequent meeting of the common council be re-passed by a vote of two-thirds of all the aldermen elect, and if so re-passed shall go into effect according to the terms thereof. If such reasons in writing shall not be filed with the controller, as above provided, such ordinance, franchise, resolution or vote, after the next regular meeting of the common council next after the same was passed, shall have the same operation and effect as if no notice suspending the same had been filed with the controller, and no ordinance or resolution of the common council, for any of the purposes mentioned in this section, shall go into operation until the expiration of three days after its passage, except when the same has been suspended as aforesaid and re-passed by a vote of two-thirds of all the aldermen elect, or shall have been voted for by two-thirds of all the aldermen elect and the mayor. It shall be the duty of the controller to communicate to the common council at the next meet-

When council may pass ordinances over mayor's objections.

If reasons for objections not filed, ordinances to be of effect when.

Controller to communicate certain papers to council.

ing thereof any paper that may be filed with him pursuant to the provisions of this section.

SEC. 4. In all proceedings and meetings of the common council, each member present, the mayor and the recorder, when presiding in the absence of the mayor, shall have one vote. Who entitled to vote at meetings of council.

SEC. 5. The common council shall prescribe the rules for the transaction of its business and for its proceedings, which rules shall have the effect of law as to the regularity and the recording of said proceedings, and may prescribe in said rules penalties for the non-performance of the duties of aldermen or other officers of the common council. The sessions of the common council shall be public, and shall be held at the common council room, unless for good reason that shall be impracticable. The controller shall keep a record of the proceedings of the common council, and the same shall be signed by the controller and by the mayor, recorder or alderman who presided at such meeting. Rules of meetings.
Sessions to be public.
Record of meetings.

SEC. 6. A majority of the aldermen elect shall be a quorum of the common council for the transaction of business. In case a quorum shall not attend any regular meeting, any number present less than a quorum may adjourn said meeting to the next regular meeting or to any time prior to the next regular meeting, and require the controller to give notice thereof; and such adjournment shall operate to carry with it all business and proceedings postponed to, or set down or noticed for such regular meetings, or for any special or adjourned meeting; and no business or proceedings postponed or set down or noticed for any special, regular or adjourned meeting shall lapse, or fail, or become invalid, or lose its precedence on the order of business by reason of a failure to hold such meeting, but the same shall go over to be acted upon the next regular, or adjourned, or special meeting. No public improvement shall be ordered, nor any tax or assessment shall be levied or confirmed, nor any work, services, or labor authorized to be done, or material purchased, nor any contract awarded or let, nor any money appropriated, to be paid for or out of or by means of any special assessment, or by any tax, or from the city treasury, except by a concurring vote of a majority of all the aldermen elect: *Provided*, No member of the common council shall vote upon any question in which he has any personal pecuniary interest. On all questions ordering any public improvement, levying or confirming any tax, approving any contract or bond, appropriating or expending any moneys, and on the final passage of any ordinance, the names of the members voting for and against the same, by yeas and nays, shall be entered upon the record of proceeding. Quorum.
Adjournments.
Concurring vote of all aldermen necessary for certain acts.

SEC. 7. No member of the common council shall, during his continuance in office, be directly or indirectly interested as principal, surety or otherwise in any contract with the city or with any public board thereof over which the common council have any control, nor shall he be competent during the term for which he shall have been elected to hold any office the appointment to When yeas and nays to be entered on journal.
No member of council to be interested in contracts, etc.

Council to have control of finances.	which is made by the common council, and the salary, compensation or fees for which are paid out of the city treasury.
To make by-laws, etc., relative to.	SEC. 8. The common council, in addition to the powers and duties specially conferred upon them in this act, shall have the management and control of the finances, rights and interests, and all property, real and personal, belonging to the city, and make such orders and by-laws relating to the same as they shall deem proper and necessary; and they shall have the power within said city to enact, make, continue, establish, modify, amend and repeal such ordinances, by-laws and regulations as they may deem desirable, for the following purposes:
Vice, etc.	<i>First,</i> To prevent vice and immorality; to preserve public peace and good order; to appoint, organize, regulate and maintain a police force of the city, and by ordinance to prescribe the powers and duties of the members thereof, and to prevent and quell riots, disturbances and disorderly assemblages and conduct;
Disorderly houses, etc.	<i>Second,</i> To restrain and prevent disorderly and gaming houses and houses of ill-fame, and all instruments and devices used for gaming, and to prohibit all gaming and fraudulent devices, and regulate or restrain billiard tables and bowling alleys;
Liquors, auctions, etc.	<i>Third,</i> To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of the State, and to forbid the selling or giving, to be drunk, any intoxicating liquors to any minor, and to restrain and regulate the sale of all goods, wares and personal property at auction, except in cases of sale authorized by law, and to fix the fees to be paid by and to the auctioneers;
Exhibitions, etc.	<i>Fourth,</i> To prohibit, restrain, license and regulate all sports, exhibitions of all natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money;
Nuisances.	<i>Fifth,</i> To abate or remove nuisances of every kind, and to compel the owner or occupant of any grocery, tallow chandler shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place to cleanse, remove or abate the same, from time to time, as often as they may deem necessary for the health, comfort and convenience of the inhabitants of the city;
Location of slaughter-houses, etc.	<i>Sixth,</i> To direct the location of all slaughter-houses, markets and buildings for storing gunpowder or other combustible materials, and to regulate the manner of keeping the same;
Fire-arms, combustibles, etc.	<i>Seventh,</i> To regulate, restrain or prohibit the buying, selling, carrying and using fire-arms, weapons, gunpowder, fire-crackers, or fire-works manufactured or prepared therefrom, or from other combustible material, and the exhibition of fire-works manufactured or prepared therefrom, or from other combustible material, and the exhibition of fire-works and the discharge of fire-arms, and the use of lights in barns, stables and other buildings, and to restrain and prohibit the making of bonfires in streets, yards, alleys, and other public places;
	<i>Eighth,</i> To prevent the encumbering of streets, sidewalks,

crosswalks, lanes, alleys, bridges, aqueducts, wharves or slips in any manner whatever; Encumbering streets, etc.

Ninth, To prevent and punish horse racing and immoderate riding or driving in any street, and to authorize the stopping and detaining any person who shall be guilty of immoderate riding or driving in any street; Horse-racing, etc.

Tenth, To determine and designate the routes and grades of any railroads to be laid in said city, and to restrain and regulate the use of locomotives, engines and cars upon the railroads within the city, also to compel such railroads to erect and maintain safety gates at street crossings; Railroad grades, etc.

Eleventh, To regulate, restrain or prohibit bathing in any public water, and to provide for cleansing Saginaw river of drift-wood or other obstructions; Bathing.

Twelfth, To restrain and punish drunkards, vagrants, mendicants, street beggars, and persons soliciting alms or subscriptions for any purpose whatever; Drunkards, vagrants, etc.

Thirteenth, To establish one or more pounds, and to restrain, regulate or prohibit the running at large of horses, cattle, swine and other animals, geese and poultry, and to authorize the impounding and sale of the same for the penalty incurred and the cost of keeping and impounding; Pounds.

Fourteenth, To prevent or regulate the running at large of dogs; to impose taxes on the owners of dogs; to require them to be muzzled, and to authorize their being impounded and sold or destroyed when running at large in violation of any ordinance; Dogs.

Fifteenth, To prohibit any person from bringing into or depositing within the limits of the city any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction thereof, if any person shall have on his premises such substance, or any putrid meats, fish, hides, or skins of any kind, and on his default to authorize the removal or destruction thereof by some officer of the city; Bringing or depositing dead carcasses, etc.

Sixteenth, To compel all persons to keep sidewalks in front of premises owned or occupied by them clear from snow, dirt, wood and all other obstructions; Clearing sidewalks.

Seventeenth, To regulate or prohibit the ringing of bells, blowing of steam whistles, and the crying of goods and other commodities for sale at auction or otherwise; and to prevent disturbing noises in the streets and elsewhere in the city; Bells, whistles, etc.

Eighteenth, To regulate the burial of the dead and to compel the keeping and return of bills of mortality; Burial of the dead.

Nineteenth, To establish, order and regulate the markets, to prohibit the forestalling the same, to regulate the sale of wood, meat, vegetables, fruit, fish and provisions of all kinds, and prescribe the time and place for selling the same, and the fees to be paid by vendors for license; Markets.

Twentieth, To establish, regulate and preserve public reservoirs, fountains, wells and pumps, and to prevent the waste of water; Reservoirs, etc.

Twenty-first, To license and regulate solicitors for passengers or for baggage for the benefit of any hotel, tavern, public house, Solicitors for passengers, etc.

- boat, or railroad, also to license and regulate draymen, carmen, truckmen, porters, runners, drivers of cabs, coupes, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used or employed for hire, and to fix and regulate the amounts and rates of their compensation;
- Runners, porters, etc.** *Twenty-second,* To regulate or prohibit runners, public porters, and all drivers of public conveyances for passengers, from soliciting passengers or others to travel or ride in any public conveyance, boat, or upon any railroad, or to go to any hotel or elsewhere, and to license and regulate scavengers and chimney sweeps;
- Lighting streets, etc.** *Twenty-third,* To regulate the lighting of streets, alleys and public places, and the protection and safety of public lamps and lights;
- Auctioneers, peddlers, etc.** *Twenty-fourth,* To license and regulate autioneers, hawkers, peddlers and pawn-brokers, and to regulate auctions, hawking, peddling and pawn-brokerage; also the peddling and hawking of fruit, nuts, cakes, refreshments, jewelry, merchandise, goods, and other property whatsoever by hand, hand-cart, show-case, show-stands, or otherwise, in the public streets; also to license and regulate or suppress hucksters;
- Duties and compensation of officers.** *Twenty-fifth,* To prescribe the duties of all officers appointed by the common council and their compensation, and the penalty or penalties for failing to perform such duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same, in cases not otherwise provided for by law;
- Salubrity of streams, etc.** *Twenty-sixth,* To preserve the salubrity of the Saginaw river or other streams within the limits of the city; to fill up all low grounds [ground] or lots covered or partially covered with water, or to drain the same, as they may deem expedient, and to assess upon and collect from the lots or grounds so drained or filled so much of the expense thereof as the premises are benefited thereby;
- Stands for carriages, etc.** *Twenty-seventh,* To prescribe and designate the stands for carriages of all kinds which carry persons for hire, and for carts and carters, and to prescribe the rates of fare and charges, and the stand or stands for wood, hay, and produce exposed for sale in said city;
- Dock lines.** *Twenty-eighth,* To prescribe the line upon which docks shall be built in Saginaw river and beyond which they shall not extend, and to enforce the same by a fine not exceeding one hundred dollars, and to regulate such docks, and to compel the owners or occupants thereof to keep the same in repair;
- Harbor masters.** *Twenty-ninth,* To appoint so many harbor masters as they may deem necessary, and to prescribe their powers and duties and compensations;
- Weights and measures.** *Thirtieth,* To appoint and prescribe the duties of sealers of weights and measures, and the penalty for using false weights and measures, and all the laws of this State in relation to the sealers of weights and measures shall apply to said city, except as herein otherwise provided;

Third-first, To authorize the mayor to revoke licenses granted under this act and the ordinances of the common council; Revocation of licenses.

Thirty-second, To prescribe the sum of money to be paid into the treasury of the city for every license which may be granted under this act and the ordinances of the city, also the time for which the license shall be granted; to require all licenses to be signed by the controller; to require from all persons applying for a license, before the issuing thereof, the execution of a bond to the city in such sums as the common council may direct, with one or more sufficient sureties, conditioned for the faithful observance of the charter and ordinances of the city; Licenses.

Thirty-third, To establish and maintain a public library and to provide a suitable building therefor, and to aid in maintaining such other public libraries as may be established within the city by private munificence, as the common council may deem for the public good; Public library.

Thirty-fourth, To require all persons before constructing, altering or enlarging any building or other structure within the limits of the city, to obtain a permit therefor, and to regulate by ordinance the terms and conditions on which such building permits shall be granted and issued; Building permits.

Thirty-fifth, To prohibit and prevent any indecent exposure of the person, the sale or exhibition of any obscene or indecent books, pictures or pamphlets, to prohibit all indecent or obscene exhibitions or shows of every kind, and all indecent, immoral, profane or disorderly conduct or language; Indecent exposures, etc.

Thirty-sixth, To regulate the placing of signs and awnings and the setting of awning, telegraph, telephone, electric light and other posts and poles; to direct and regulate the planting of shade or ornamental trees in the streets or other public grounds, and to provide for the preservation of the same; and to order the removal of poplar and willow trees whose roots obstruct any sewer, and by ordinance to prevent the planting of such trees in the streets and near any sewers of said city; Signs, awnings, etc.

Thirty-seventh, To prohibit and prevent the location or construction of any wooden or frame house, store, shop or building on such streets, alleys and places, or within such limits in the city as the common council may from time to time prescribe; to regulate or prohibit and prevent the removal of wooden or frame buildings from any part of said city to any lot on said streets, alleys and places or within said limits, and the rebuilding and repairing of the same; to prevent the rebuilding and repairing of wooden buildings on such streets, alleys and places or within said limits when damaged by fire or otherwise. Fire limits.

SEC. 9. The common council may ascertain, establish and settle the boundaries of all streets and alleys in the city, and prevent and remove all encroachments thereon and exercise all other powers conferred on them by this act in relation to highways, the prevention of fires, the levying of taxes, the supplying of the city with water, and all other subjects of municipal regulation not herein otherwise expressly provided. Council to establish boundaries of streets, etc.

May prescribe
fines and
penalties.

SEC. 10. When by the provision of this act the common council have authority to pass ordinances on any subject, they may prescribe a fine or penalty, not exceeding one hundred dollars (unless the imposition of a greater fine or penalty be herein otherwise provided) for a violation thereof, and may provide that the offender shall be imprisoned in the county jail of Saginaw county or the city jail for any term not exceeding ninety days.

Publication of
ordinances, etc.

SEC. 11. Whenever the common council are required by law to make publications of any notices, ordinances, resolutions or proceedings in one or more newspapers of the city, it shall be deemed sufficient to publish the same in any daily or weekly newspaper printed and circulated in said city, and designated as the official paper of the city. The common council shall have power to purchase and to hold a suitable lot or lots of land, within or without the corporation limits, for the purpose of city cemetery or cemeteries, and they shall make such rules and regulations regarding the same as they may deem necessary.

Council may
hold lands for
cemetery
purposes.

May construct
city jail, hall,
etc.

SEC. 12. The common council shall have power, whenever in their opinion the necessities of the city require, to cause to be constructed a city jail, city hall and city market or markets, or other necessary public buildings; to acquire by purchase or otherwise all necessary lands whereon to locate the same, and to appoint the keepers, clerks and necessary officers thereof, and shall locate such city jail, city hall and city market or markets within the city limits, and may make such regulations concerning the same as the common council may think proper; but no such public building shall be constructed or built until said common council shall be authorized to levy a tax therefor, as provided in section three, title five of this act.

Power of
council relative
to taverns, etc.

SEC. 13. The common council shall have and exercise the same powers in relation to the regulation of taverns, groceries, common victualers, saloon keepers and others, as are now or may hereafter be conferred by the general laws of this State upon township boards, or upon the corporate authorities of cities and villages. Any person who shall engage in or exercise the business or occupation of saloon keepers within the limits of the city, unless he is first licensed as such by the common council, and any person who shall assume to exercise such business or occupation without having first obtained such license, shall be deemed to have committed a misdemeanor, and upon each and every conviction therefor shall be fined a sum not less than fifty dollars, or imprisonment in the common jail of Saginaw county for a time not to exceed ninety days, or both said fine and imprisonment in the discretion of the court. The common council shall have power to regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses, and all places where any beverages are kept for sale, in such sum or sums as the common council may direct or require, which shall be paid into the contingent fund of said city.

Penalty on
persons not
obtaining
license
for certain
business.

Board of water
commissioners.

SEC. 14. The common council shall provide by ordinance for the creation and appointment of a board of water commissioners

and prescribe the powers and duties thereof, and in such ordinance shall fix the number of members of which such board shall consist and their terms of office; and they shall be appointed as other city officers are appointed. Such board shall have the charge of the water-works of said city, and the sole power to expend such sums of money as the common council shall from time to time place at its disposal, for the maintenance and management of the water-works of the city and the extension of water pipes. The board of water commissioners shall not have power to incur any indebtedness against the city beyond the amount placed at its disposal by the common council, and the common council shall cause to be paid all bills legally incurred and audited by said board, not exceeding the amount previously placed at the disposal of said board. The common council shall have power, either by ordinance or by resolution, to fix the rate to be paid by consumers of water, and the salaries of the employes of said board, or to authorize said board to fix such rates and salaries.

Duty of board.

Not to incur indebtedness.

Water rates and salary of board.

SEC. 15. The common council may construct, grade, gravel, pave, plank or repair any street, road or highway without the corporate limits of the city, leading to the burying ground or cemetery owned by it, and may join with the township of Saginaw in constructing, graveling, paving, planking or repairing, from time to time, any such street, road or highway leading to such burying ground or cemetery on such terms and conditions as may be agreed upon with the township board of said township.

Council may construct streets, etc.

SEC. 16. The common council shall have power and it shall be their duty to adopt measures for the preservation of the public health of the city; to restrain or prohibit the exercise of any unwholesome or dangerous avocation within the limits thereof; to regulate and prescribe, by ordinance, the location of all barns, stables and privies within the city; to establish a board of health and to invest it with all such powers and to impose upon it such duties as shall be necessary to secure the inhabitants of the city from contagious, malignant and infectious diseases, and to provide for its proper organization and for the appointment of proper officers; to make all such by-laws, ordinances and regulations for the government of such board of health and for the preservation of the health of the inhabitants of the city as shall secure a prompt and efficient discharge of the duties imposed upon the common council by this act.

Powers and duties of council relative to public health.

SEC. 17. The common council shall be the judge of the election and qualifications of its own members, and shall have power to determine contested elections, to determine the rules of its proceedings, and pass all by-laws and rules necessary and convenient for the transaction of business not inconsistent with the provisions of this act.

Council to be judge of election, etc.

SEC. 18. The common council may at any time require any officer, whether elected or appointed, to execute and file with the controller new official bonds, in the same or in such further sums

May require new official bonds.

and with new and such additional securities as such council may deem requisite for the interest of the city.

Certain ordinances requiring the concurrence of two-thirds of all aldermen. Council may provide for levy and collection of taxes, etc.

SEC. 19. No ordinance granting rights, privileges or franchise to any person or corporation shall be adopted, amended or repealed, without the concurrence of two-thirds of all the aldermen elect.

SEC. 20. The common council may by ordinance provide for the levy and collection of all taxes and assessments necessary to be raised in and for the city, or for the payment of any local improvement therein, except as otherwise provided for in this act, and all proceedings relative to the sale of personal property and to the sale of real estate for such taxes or assessments shall be in conformity, as near as may be, to the provisions of law regulating the sale of lands delinquent for township taxes.

Power to grant right of way through streets to railroad companies, etc.

SEC. 21. The common council shall have power to grant the right of way through any of the streets of said city to railway companies by a two-thirds vote of the council, but such a grant shall not give any railway company, except street railway companies, the right to lay its track in the street until it shall have obtained the right to do so from the owners of the lands and premises lying thereon, either by purchase or by legal proceedings.

To have same power as township boards in reference to certain taxes, etc., and certain officers to perform duties of town officers, etc.

SEC. 22. The common council is hereby authorized and required to perform the same duties, in and for said city, as are by law imposed upon the township boards of the several townships in this State, in reference to State, county and school taxes, the support of the poor, and State, county and district elections, and the justices of the peace, controller, director of the poor; and all other officers of said city who are required to perform the duties of township officers of this State shall take the oath, give the bond, perform like duties and receive the same pay therefor, and be subject to the same liabilities as is provided for the corresponding township officers, except as is otherwise provided for in this act.

Style of ordinances, etc.

SEC. 23. The style of all ordinances of the common council shall be, "It is hereby ordained by the common council of the city of Saginaw," and all prosecutions for offenses arising under this act or any by-law, ordinance, or regulation of the common council shall be in the name of the city of Saginaw.

Other powers of council.

SEC. 24. The common council shall have such other powers of a local, legislative and administrative character as may be necessary to carry into effect the powers expressly conferred by this act, and for the good and efficient government of the city, not inconsistent with the general laws of this State; and in the exercise thereof may pass such ordinances as may be necessary to that end.

Collection of special assessments.

SEC. 25. The common council by a vote of three-fourths of all aldermen elect, may provide by ordinance for the collection of special assessments for local improvements. Such ordinance shall conform, as near as may be, to the general law of this State for the collection of taxes levied and assessed thereunder; and when such ordinance is duly adopted, special assessments for local

improvement, at the option of the common council, may be collected in the manner therein provided for, or in the manner provided for in title six of this act.

SEC. 26. The common council shall have power to regulate the cutting of ice, and the cutting of holes in the ice of the Saginaw and Tittabawassee rivers, within the limits of the city, and to prescribe the protection or guard that shall be placed around any holes cut in the ice of said rivers for any purpose.

Council to have power to regulate cutting ice, etc.

SEC. 27. The common council shall have power by ordinance, to require the owners of lots in the city, to plant shade and ornamental trees in the streets in front thereof; and to provide for making the cost of such planting a charge against the owners of such lots, and a lien thereon, and to regulate the planting of shade trees in the streets of the city and to provide for the preservation thereof.

To require shade trees, etc., to be planted.

SEC. 28. The common council shall have the sole and exclusive power from time to time to license, continue and regulate ferries from within the city of Saginaw to the opposite shore of the Saginaw river, for the carriage and transportation of people, goods, and chattels across the said river, in such manner as shall appear to them most conducive to the public good.

To license, etc., ferries.

SEC. 29. The members of the common council shall be allowed, as compensation for their services, one dollar for actual attendance at each session of the council, to be certified by the controller to the treasurer, quarterly, and paid out of the contingent fund, and the common council may allow for service on committees, not exceeding two dollars per day for each day's actual service thereon.

Compensation of council.

SEC. 30. Any alderman who shall be absent from the sessions of the common council, without leave, for four consecutive regular meetings, shall be deemed to have resigned, and the office shall be deemed vacant, and the common council shall order a new election to fill such vacancy, as in this act provided in case of vacancies.

When alderman deemed to have resigned.

SEC. 31. The common council shall have power to direct the deposit of all moneys, bonds, papers, and evidences of value in any safe bank or banks, and to contract with any such bank or banks for the safe keeping of all public moneys, and for the receipt of interest upon such moneys of the city deposited with such bank or banks, and to be drawn on account current from such bank or banks by the city or proper officer thereof; and such interest shall belong and be credited to the contingent fund: *Provided*, That when the common council has directed the treasurer to deposit said money with any bank or banks, such bank or banks shall give a bond to the city, with sureties in number and in amount to be approved by the common council, sufficient to protect the city from loss.

Keeping public moneys.

Provided.

SEC. 32. The common council shall have power to expel or remove from office any of its own members, or any other officer holding office by election, except the mayor, recorder and justices [justice] of the peace, for corrupt or willful misfeasance in office, or for

Council to have power to remove certain officers.

Certain officers to be furnished copy of charges etc.

Failure of officer to appear, etc., cause for removal.

Deputy controller, appointment of, etc.

the willful neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reason for such expulsion or removal shall be entered upon the records of the common council, with the names and votes of the members voting on the question. But no officer holding office by election shall be removed or expelled by the common council unless first furnished with a copy of the charges against him, in writing, and be allowed to be heard in his defense, with aid of counsel; and for the purpose hereof the common council shall have power to issue subpoenas, to compel the attendance of witnesses, to examine witnesses upon oath to be administered by the presiding officer, and the production of papers when necessary, and shall proceed within ten days after service of a copy of the charges to hear and determine upon the case. If any such officer shall neglect to appear and answer to said charges, his default shall be deemed good cause for his removal from office.

SEC. 33. The common council, whenever the interests of the city may require, shall have power by ordinance to authorize the appointment of a deputy controller, and may provide that he shall perform any or all of the duties of controller, and he shall have such other powers and perform such other duties as the common council may prescribe, and he shall be appointed in the manner as other city officers.

TITLE IV.

OFFICERS—THEIR RIGHTS, POWERS AND DUTIES.

Powers and duties of mayor.

May hear complaints against persons holding licenses.

SECTION 1. The mayor shall be chief executive officer of the city of Saginaw, and it shall be his duty to take care that the laws of the State and the ordinances of the common council be faithfully executed; to exercise a constant supervision and control over the conduct of all subordinate officers, and to receive and examine into all complaints against them for neglect of duty; to recommend to the common council such measures as he shall deem expedient; and, in general, to maintain the peace and good order and advance the prosperity of the city; and the mayor may also issue process and hear in a summary way any complaint against any person to whom a license of any description has been granted, in pursuance of this act, for any violation of the laws of this State or the ordinances of the common council, and may issue subpoena and compel the attendance of witnesses in the hearing of such complaint in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license or suspend it for any certain time. Every determination on such complaint shall be forthwith filed with the controller, who shall serve a certified copy thereof on the person holding a license affected by such determination, either personally or by leaving the same at his or her usual place of abode, and from the time of such service such license shall be annulled or suspended, according to the tenor of such determination. The

mayor shall, by virtue of his office, be authorized to take acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations, and to do all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city.

May take acknowledgment of deeds, etc.

SEC. 2. The mayor, for neglect of duty or official incompetency or misconduct, shall have power to suspend until the next regular meeting of the council any officer appointed on his nomination. Whenever the mayor suspends a city officer he shall do so by filing with the controller his reasons therefor in writing, and the controller shall cause a copy thereof to be delivered to the officer so suspended within two days after the same are filed with him, and the controller shall lay such reasons before the common council at the next regular meeting thereafter, when the same shall be acted upon by the common council at such meeting, unless the consideration thereof be adjourned by a majority vote of all the aldermen elect to a time certain, not longer than the next regular meeting, when the same shall be disposed of finally. When the mayor shall suspend any such officer he shall appoint some person to act in place thereof until such suspension is acted upon by the council, except when the controller is suspended by the mayor, his reasons therefor shall be filed with the recorder, who shall have the powers and discharge the duties of the controller until such suspension is finally disposed of. Such officer at such hearing may examine witnesses in his favor, and be assisted by counsel, and no such officer shall be removed except by a majority vote of all the aldermen elect. The provisions of this section shall not apply to deputy marshals.

May suspend certain officers.

Proceedings on suspension of officer.

Persons to be appointed to fill office during suspension.

SEC. 3. All official bonds of said city shall be deposited with the controller for safe keeping, unless the council otherwise order, in which case they shall be deposited as they may direct; and it shall be the duty of the officer with whom such bonds are deposited to deliver the same to his successor in office.

Official bonds to be deposited with controller.

SEC. 4. It shall be the duty of every alderman of the city to attend the regular and special meetings of the common council; to act upon committees when thereunto appointed by the mayor or common council; to order the arrest of all persons violating the laws of this State, or the ordinances, by-laws, or police regulations; to report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty; to maintain peace and good order, and to perform all other duties required of them by this act. The mayor, recorder and aldermen, by virtue of their respective offices, shall be conservators of the public peace.

Duties of aldermen.

SEC. 5. It shall be the duty of the controller to keep the financial accounts of the city, to countersign all bonds, orders upon the city treasury, and all evidences of debt and transfer of property which the common council or city are authorized to issue or make, pledging the faith of the city; to receive all accounts and demands against the city, examine them in detail, audit them, or such parts thereof as to the correctness of which he has no doubt, specifying the funds

Duty of controller.

Audited claims
not binding on
city until ap-
proved by
council.

Controller to
keep account of
funds, etc.

To advertise,
etc., for con-
tracts, etc.

Keep record of
officers and
employés of
city.

To have
supervision of
finances.

To keep
account with
the treasurer.

out of which payable, and when so audited to report the same to the common council, and when payment shall be duly authorized by the common council to countersign the orders drawn therefor upon the treasurer. No claim so audited shall be binding against the city until approved by vote of the common council. The controller shall keep a record of bonds issued by said city, with the number, amount and dates, when issued, when payable, and all the coupons attached thereto, and shall keep account in proper books of all such bonds, and the bonded indebtedness, for the information of the common council. And the controller shall also in like manner keep accounts of all funds, taxes, assessments, receipts and expenditures, and on or before the first Monday in the month of April in each year shall make out and present a detailed statement of all receipts and expenditures of the city for the past year, ending March thirty-first, which statement shall state particularly upon what account all moneys were received and expended, and it shall also specify all appropriations made by the common council during the year, and the particular purpose for which each appropriation was made. Such statement shall be signed by the controller and be recorded and filed in his office. A copy thereof shall be published in a newspaper printed and circulated in said city. The controller shall advertise and receive proposals for all contracts for or on behalf of the city, and report his action thereon to the common council. He shall sign all contracts and agreements on behalf of the city, subject to the orders of the common council, and make all purchases of materials, tools, books, stationery, apparatus, and property for the city or its officers not otherwise provided for herein or ordered by the common council. He shall keep a record of all officers and employés of the city, and certify the pay-rolls and wages of all such officers and persons to the common council. He shall be charged with the leasing, repairs, insurance, and the general supervision of the property of the city, and for his information may require reports from all officers and persons having any city property in charge or possession, and report upon the same when required by the council. It shall also be the duty of the controller to take and exercise a general supervision of the financial concerns of the corporation; to keep a complete set of books, exhibiting the condition of said corporation in its various departments and funds, its resources and liabilities, with proper classification thereof, of each fund or appropriation for any distinct object of expenditure or class of expenditures. Whenever any such fund or appropriation has been exhausted by orders already drawn thereon or by appropriations, debts or expenses actually incurred or contracted for, no farther warrants shall be drawn against said fund until another appropriation shall have been made. The controller shall open an account with the treasurer, in which he shall charge said treasurer with the whole amount of all tax-rolls, special or general, levied in said city and placed in his hands for collection, and all other moneys which may be paid into the city treasury.

He shall charge all other officers of the city with all funds, moneys and property placed or being in their possession, and shall require settlement with the treasurer and such officers at least once in each year, and as much oftener, not to exceed once in each month, as the interest of the city and the safety of its property may require; and he shall give the treasurer and all other officers credits for all money disbursed, upon showing proper vouchers, and for all property consumed, expended and destroyed by ordinary wear and use, and not otherwise. The controller shall make out and attach warrants to all tax-rolls in said city, whether for State, county, city, general or special assessment or taxes, and such warrants shall be in the usual form and shall have the same virtue, force and legal effect as warrants made by the supervisors of townships pursuant to the laws of this State.

To make warrants and attach to tax roll.

SEC. 6. The controller shall, in addition to his other duties, be the assessor of the city. It shall be his duty annually to assess all the property in said city liable to taxation under the laws of this State, now or hereafter in force, for the purpose of levying the taxes lawfully imposed thereon, and he shall, for the purpose of making such assessment, have all the powers and perform all the duties of supervisors of townships in this State. He shall also prepare and make the returns required by law relative to the registration of births and deaths in said city, and the list of persons to serve as jurors, and perform such other duties as this act imposes.

Controller to be assessor.

To make return of births and deaths.

SEC. 7. The controller shall keep the corporate seal and all the papers and files belonging to the city as a corporation, not properly by this act in the custody of some other officer thereof, and shall make a full and complete record of the proceedings of the common council, whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified to by him under the corporate seal, shall be evidence in all places where produced of the matters therein contained. He shall also perform for the city all such duties as township clerks are required by law to perform for their several townships, and for such services he shall receive the same fees and compensation as they are entitled to receive under the laws of this State. He shall keep a record of every ordinance enacted, and of the time of its publication, which record shall be signed by the controller and the mayor. He shall publish all ordinances passed by the common council at least one week in the official paper of said city, and no ordinance shall take effect until the expiration of one week from the date of the first publication thereof, and a record or entry made by the controller and a copy of such record or entry duly certified by him shall be *prima facie* evidence of the time of such first publication, and all laws, regulations, ordinances and proceedings of the common council may be read in evidence in all courts of justice, and in all proceedings before any officer, body or board in which it shall be necessary to refer thereto, either:

To keep the corporate seal, etc.

To perform such duties as township clerks are required to perform and receive like fees for the same.

To publish ordinances.

Laws, ordinances, etc., may be read in evidence, what from.

First, From a copy certified by the controller, with the seal of the city affixed ;

Second, From the volume of ordinances printed by authority of the common council ; or

Third, From the volume of the official printed proceedings of the common council, signed by the controller and mayor. The controller shall also issue all licenses granted for any purpose whatever, and shall enter in an appropriate book the name of every person to whom a license is granted, the date thereof, the time during which it is to be continued in force and the sum paid for such license. The controller shall also perform such other duties as are or may be prescribed by this act or by ordinances of the common council not inconsistent herewith, and shall receive for his services such annual salary as the common council shall prescribe, and he shall give a bond with sureties in the sum of not less than one thousand dollars for the faithful performance of the duties hereby imposed. The controller shall have a seat in and attend the sessions of the common council, and may discuss all questions and matters which come before the council, but shall have no vote therein.

SEC. 8. All moneys drawn from the city treasury shall be drawn in pursuance of an order of the common council, by warrant signed by the mayor and countersigned by the controller ; such warrant shall specify out of what fund it is to be paid, and the treasurer shall keep an accurate account, under appropriate heads, of all moneys that may come to his hands and of all the warrants paid by him, and his books shall be open to the inspection of any member of the common council or any person appointed by the common council for that purpose. The treasurer shall exhibit to the common council at their first regular meeting in the month of April, and at such other times as the common council may require, a full and fair account of the receipts and expenditures from and after the date of the last named annual report and the amount of money in the treasury, which account shall be referred to a committee for examination, and if found to be correct shall be filed: *Provided*, City officers who receive a fixed salary shall be paid by the treasurer monthly on the certificate of the controller.

SEC. 9. The treasurer shall receive all moneys belonging to the city, and shall receive all taxes levied by order or authority of the common council, except as herein otherwise provided ; he shall deposit the money of the city under the direction of the common council, and shall keep an accurate account of the same and all receipts and expenditures thereof, and with every fund and appropriation thereof made by this act or by the authority and direction of the common council ; he shall pay no money out of the treasury except in pursuance of or by authority of law, or in satisfaction of warrants drawn by order of the common council, signed by the mayor and countersigned by the controller, or of bonds or of coupons and bonds regularly and lawfully issued by said corporation. The treasurer shall keep an office in some

convenient place in the city, provided by the common council, where the books and accounts in his charge belonging to the city shall be open to the inspection of any tax-payer of said city at reasonable hours in any week day, and where all orders or warrants shall be presented for payment. The treasurer shall collect all the taxes assessed and imposed upon the real and personal property of the city, and all such special taxes as may be from time to time levied by the common council for the improvement of streets, the construction of sidewalks, or any other purpose authorized by this act or the laws of this State, as may be placed in his hands for collection by the controller or other proper officer of said city; and the warrant of the controller shall confer full power and authority upon said treasurer to collect, levy and sell property for the collection of all the taxes set forth upon any copy or transcript of any general tax-roll, and so placed in his hand, the same as warrants made by supervisors of townships under the laws of this State, and such treasurer shall give receipts for all taxes collected by him, and mark the same paid upon the proper rolls. The treasurer may appoint a deputy, subject to the approval of the common council; such appointment shall be in writing, and shall be filed with the controller and submitted to the council; such deputy shall have all the power and authority of the treasurer, so far as relates to the collection of taxes, subject to the control of the treasurer; and the treasurer shall be responsible for all the acts of his deputy, and shall pay him for his services. The treasurer shall obey all the orders and resolutions of the common council not inconsistent with the provisions of this act, and shall turn over to his successor in office all moneys, books, papers and property of every kind and description due and belonging to the city, upon demand. The common council shall have power to prescribe the percentage to be added as a collection fee to all tax-rolls not herein otherwise provided, and direct to what fund it shall be credited, and may direct the treasurer as to the deposit and safe keeping of all books and papers of his office, and require bonds, with such sureties and in such manner as they may deem proper, for the faithful performance of his duties as treasurer. The common council shall also have power at any time during the term of office of the treasurer, when they may deem the existing bond furnished by the treasurer or the sureties thereon insufficient, to require said treasurer to execute a new or additional bond to the city in such sum and with such sureties as they may direct; and if the said treasurer shall not execute such new or additional bond as may be required, within the period of ten days after service on him of a copy of the resolution of the common council requiring the same, the council may declare such office vacant and proceed to fill the same as hereinbefore provided. The treasurer shall receive for his services an annual salary of two thousand dollars.

SEC. 10. The city attorney shall be an attorney and counselor at law in good standing, and qualified to practice in all courts in the State. He shall, on application of the common council or of

To keep an office.

To collect taxes, etc.

To give receipts for taxes.

May appoint deputy.

To obey all orders, etc., of council, etc.

Council to prescribe collection fee.

May require bonds.

May for certain cause declare office vacant, etc.

City attorney, qualification, duties, etc., of.

Salary.	<p>any officer of the city, furnish advice relative to all matters of law, in the discharge of their duties, appear in behalf of the city and of all public boards thereof in all suits, and perform such other legal duties as may be prescribed by ordinance. The city attorney shall receive an annual salary to be fixed by the common council, but shall not receive for any duties imposed or services rendered to the city during the term of his office, beside the salary, any fee or reward whatever which shall be paid out of the treasury. He shall have a seat in and attend all meetings of the common council, and may discuss all questions and matters which may come before the council, but shall have no vote therein, and he shall act on all committees when appointed thereon.</p>
To have seat in council, etc.	<p>SEC. 11. The recorder shall by virtue of his office be authorized to take acknowledgment of deeds and other instruments in writing, to administer oaths and affirmations and do all other like acts which justices of the peace are by law authorized to do, and may affix to any official certificate the seal of the city. He shall possess the same powers and perform and discharge the municipal duties of mayor during the absence, inability, death or removal of the mayor. He shall have a seat in and attend all meetings of the common council, and may discuss all questions and matters which may come before the council, but shall have no vote therein except as provided in this act, and he shall act on all committees when appointed thereon.</p>
Recorder, powers and duties of.	<p>SEC. 12. The justices of the peace of said city shall file their oaths of office with the clerk of the county of Saginaw, and also with the controller, and shall maintain offices for the transaction of business in the city of Saginaw. They shall have the same jurisdiction and powers and perform the same duties as are now exercised and performed, or may at any time hereafter be conferred by law upon justices of the peace for townships; and one or more of said justices, to be designated by the common council as police justices, shall have jurisdiction also of all complaints made for violation of any provisions of this charter, or any ordinance passed in conformity therewith; and also of all actions brought for the recovery of any fines, penalty, costs or forfeiture imposed by this charter, or by any such ordinance. The justice or justices of the peace so designated as police justices shall continue to act during the pleasure of the common council, and shall receive in lieu of fees for all complaints and actions brought before them in their capacity as such police justices such salary or compensation, to be paid from the city treasury, as the common council may from time to time determine. But in case of the absence of such police justice or justices, or their inability to act, any justice of the peace of the city may act as police justice.</p>
When to perform duties of mayor, etc.	<p>SEC. 13. All fines, penalties or forfeitures, and costs recovered before any of the justices, shall, when collected, be paid into the city treasury; and each of said justices designated to act as police justice shall report on oath to the common council, at the first regular meeting thereof, in each month during the time for which he shall perform the duties of such justice, the number and</p>
Justice of the peace, when to file oath.	
Power and jurisdiction of.	
Police justices to be designated by council.	
Term of office and salary of.	
Disposition of fines, costs, etc.	

name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture and all moneys by him received, on account thereof, which moneys so received, or which may be in his hands collected on such fine, penalty, forfeiture, or costs, shall be paid into the city treasury on or before the first Wednesday of each and every month, during the time such justice shall exercise the duties of said office.

SEC. 14. Any justice of the peace of the city may be removed from office by the circuit judge for the county of Saginaw, for his refusal or neglect to pay over, as required by law, any moneys by him collected for or on account of any fine, penalty, forfeiture or costs; for the unfaithful or inefficient performance of his duty, or for any official misconduct, upon charges specifically preferred against him by the mayor or common council, or by any three electors of said city; said charges upon being duly verified by oath shall be filed in said circuit court, and a copy thereof served personally upon the justice of the peace against whom the same are preferred at least ten days before he is required to be tried thereon. An opportunity shall be given him to be heard in his defense, and said court shall have power to make all necessary orders to insure a fair but summary trial thereof, and, upon conviction, to enter the proper judgment for suspension or removal from office of the justice so convicted.

Removal from
office of
justices.

Proceedings for
removal.

SEC. 15. In addition to the security now required by law to be given by justices of the peace, each of the justices of the peace of the city of Saginaw shall, before entering upon the duties of his office, execute a bond to said city with one or more sufficient sureties, to be approved by the mayor, which approval shall be indorsed on said bond, in the penalty of one thousand dollars, conditioned in the event of his being designated to act as one of the police justices, for the faithful performance of his duties as a police justice of said city, and to pay over the moneys so collected, and make his report as in this act required, which bond shall be filed in the office of the controller.

Bonds of
justices.

SEC. 16. All dockets kept by the justices of the peace of the city, shall, at all times, be subject to inspection and examination by the common council, or any member or officer thereof, and it shall be the duty of said justices of the peace to produce such dockets whenever and wherever the common council shall require or direct. And after due notice of such requirement, if any justice shall neglect or refuse to produce such docket as directed and required, he shall be deemed guilty of official misconduct, and may be proceeded against as provided in section fourteen of this act.

Dockets subject
to inspection,
by whom.

SEC. 17. The constables in the several wards shall possess the same powers and perform the same duties and obligations as constables of townships, and give like security; they shall obey the orders of the mayor, recorder and aldermen, or of any person legally exercising the criminal or police jurisdiction of justices of the peace in said city, in enforcing the laws of the State and the ordinances of said city, and in case of neglect or refusal to do so,

Constables,
powers and
duties of.

they shall be subject to a penalty of not less than one nor more than twenty-five dollars.

Expense of
examining
and committing
offenders, how
paid.

SEC. 18. The expenses of examining and committing offenders against any law of this State in said city and of their confinement, shall be audited, allowed and paid by the supervisors of the county of Saginaw, in the same manner as if such expenses had been incurred in any town of said county.

Supervisors,
duties of.

SEC. 19. The supervisors of the several wards of the city shall be members of the board of supervisors of Saginaw county, and shall perform all of the duties of supervisors of townships except as herein otherwise provided, and shall be entitled to the same compensation as township supervisors. The controller and the city attorney shall be members of the board of supervisors of Saginaw county and represent the interests of the city in said board, and as such supervisor shall be entitled to receive the same compensation as other supervisors for attendance upon said board.

Controller and
attorney to be
members of the
board of super-
visors of
Saginaw
county.

Marshal, powers
and duty of.

SEC. 20. The marshal shall, before entering upon the discharge of the duties of his office, give such security for the faithful performance of his duties as the common council shall direct and require. He shall be chief of police and by virtue of his office, in addition to his other powers, shall have all the powers conferred upon and perform the duties required of constables elected under the general laws of this State, and shall take and subscribe the same official oath and give like security as is required of such constables; and it shall be his duty to serve all criminal process that may be lawfully delivered to him for service; to see that all the by-laws and ordinances of the city are promptly and efficiently enforced. He shall attend the meetings of the common council, obey all lawful orders of the mayor, and may command the aid and assistance of all constables and all other persons in the discharge of the duties imposed upon him by law, and the marshal and deputy marshals shall each have the same power to serve and execute all process in behalf of the city or of the people of this State, for offenses and violations of ordinances of and committed within said city, as sheriffs and constables have by law to execute similar process.

To attend
meetings of the
council, etc.

Deputy
marshals,
appointment,
powers, duties
and compensa-
tion of.

SEC. 21. The common council shall appoint such number of deputy marshals as the mayor shall approve. They shall be appointed in the same manner as other officers of the city, and shall have the same powers and perform the same duties as the marshal, except the power to serve civil process. The marshal and deputy marshals shall be entitled to the same fees as are allowed to constables for similar service, but such fees shall be paid into the city treasury. The mayor may suspend any deputy marshal by filing notice thereof with the controller, and if he shall file with the controller his reasons therefor before the next regular meeting of the council, the appointment of such deputy marshal shall be thereby revoked, and the controller shall present such notice and the reasons therefor, if any shall have been filed with him, to the council at such meeting and enter the same upon the journal thereof. If such reasons are not filed, as aforesaid, such

Suspension of
deputies.

suspension shall be at an end and such deputy marshal be returned to duty. The common council may remove any deputy marshal from office at any time by a majority vote of all the aldermen elect.

SEC. 22. The street commissioner shall, under the direction of the common council, superintend the making, grading, paving, planking, repairing and opening of all streets, lanes, alleys, bridges, sidewalks, drains and sewers within the limits of the city in such manner as may be from time to time required, and perform such other duties as the common council may by ordinance prescribe; and before entering upon the discharge of his duties, and within ten days from the notice of his appointment, shall take the oath of office, and give such security for the faithful discharge of his duties as the common council shall direct and require. The street commissioner shall have power to perform all duties imposed by law upon fence viewers of townships.

Street commissioner, power and duties of.

SEC. 23. The city physician, health officer and his assistants, poundmasters, inspectors of fire-wood and hay, weighmasters, harbormasters and scavengers shall perform such duties, and, if required, shall file such securities as the common council shall order.

City physician and other officers, duties of.

SEC. 24. The common council shall annually, at their first regular meeting in the month of February, or as soon thereafter as may be, determine or fix the salary or compensation to be paid to the several officers of the city, and they may also, from time to time, establish fees and compensation for all officers appointed by them whose fees or salary are not prescribed by law, and whose compensation for services is required to be paid out of the city treasury, but the compensation of no officer fixed by an annual or periodical salary shall be increased or diminished during the term for which he was elected or appointed, unless by a two-thirds vote of the common council.

Salaries of officers, how and when fixed.

SEC. 25. The director of the poor shall perform such duties as are imposed by law upon such officers in townships, and such other duties as may be imposed by ordinance. All expenditures of money and all accounts made by him shall be duly certified under oath to the controller as often, and in such manner, as the common council may require.

Director of the poor, duty of.

SEC. 26. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, moneys and effects of the city in his possession or custody as such officer, and in any way pertaining to his office; and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State, now or hereafter in force or applicable thereto, and every person appointed or elected under this act shall be deemed an officer within the meaning and provisions of such general laws of this State.

Officers to deliver to successors books, etc.

SEC. 27. In addition to the rights, powers, duties and liabili-

Additional powers and duties of officers.

ties of officers prescribed in this act, all officers, whether elected or appointed, shall perform such other duties, and have such other rights, powers and liabilities, subject to and consistent with the provisions of this act, as the common council may deem expedient and shall prescribe by resolution, by-laws or ordinance.

TITLE V.

TAXES, FUNDS, REVENUES AND EXPENDITURES.

Common council to have control of resources, etc.

SECTION 1. The resources and moneys of the city shall be controlled by the common council as herein provided; and the common council is hereby vested with the power to order assessments, direct the levying of taxes and to provide for the collection of the same, under the provisions and restrictions in this act contained.

To determine amounts to be raised by tax for certain purposes, when.

SEC. 2. It shall be the duty of the common council on or before the third Monday in October in each year, to determine by resolution and order the amount necessary to be raised by tax for city purposes for the ensuing fiscal year, for highway purposes, for the payment of the interest on and principal of the city indebtedness coming due before another assessment for that purpose may be ordered and collected, and the amount to be raised as certified by the board of education for school purposes, the payment of school indebtedness and interest thereon.

Limit of amount to be raised for certain purposes.

SEC. 3. For the purpose of defraying the expenses and all other liabilities of the city, except the bonded debt thereof and the interest thereon, and paying the same, the common council may raise annually by tax levied upon the real and personal property within said city; such sums as they may deem necessary, not exceeding one per cent on the valuation of such real and personal estate within the limits of said city, according to the valuation thereof, taken from the assessment roll of the year preceding the levying of such tax; and the common council may, in addition thereto, levy such sum, not exceeding one-half of one per cent of the valuation of the preceding year, as they may deem necessary, for highway purposes, which shall be raised, assessed and collected on the same roll and in the same manner as other taxes authorized by the general laws of the State. If the common council shall deem it expedient for the purposes of the city, to levy a larger tax than is allowed by this section, they may, by giving ten days' notice by publishing the same in a newspaper printed and circulated in said city, and posting a notice thereof in three public places in each ward, call a meeting of the electors of the city at some place therein, who may then and there vote to levy, assess and collect a further money tax upon all the real and personal property in said city, in such sum as the meeting shall direct; and such taxes shall be levied, assessed and collected in the same manner as is provided for the levying or collection of other taxes mentioned in this act: *Provided*, That the manner of voting at such meeting shall be by

How greater amount may be raised.

Proviso as to method of voting, etc.

ballot, and that no person shall vote at such meeting who is not a property-holding, tax-paying elector of said city. The mayor, or in his absence the recorder, shall preside at such meeting, and in the absence of both the mayor and recorder, the electors present entitled to vote at such meeting may elect one of their number to preside at such meeting, and the officer presiding thereat shall report and certify the result of the vote had at such meeting to the common council at the next meeting thereafter, and such report and certificate shall be placed on the journal of the common council. The common council may direct by ordinance the manner of receiving, counting and certifying the ballots cast at said meeting.

SEC. 4. Whenever the common council shall be authorized by a vote of the property-holding, tax-paying electors of the city to raise a larger sum for city or highway purposes than the council is authorized to raise by the preceding section, the controller shall add such sum to the amount ordered by the common council to be raised for that purpose and place the amount thereof on the next general tax-roll of the city, as other taxes are apportioned thereon.

How amount
voted to be
apportioned,
etc.

SEC. 5. The annual assessment of taxable property in the city shall be made by the controller at the same time, and in the same manner, as assessments are taken and made in the townships in this State, except as in this act otherwise provided.

Annual assess-
ments, how
made.

SEC. 6. The controller shall complete his assessment of all taxable property in the city on or before the fourth Monday in June of each year, and upon the completion thereof shall give notice of the same to the common council at its next meeting.

When to be
completed.

SEC. 7. The controller, city attorney, and the supervisor [super-visors] of each ward shall constitute a board of review, five of whom shall constitute a quorum. They shall elect one of their number chairman, and the controller shall act as secretary of the board. They shall have power and it shall be their duty to examine said assessment roll and correct any errors found therein, and reduce or increase the valuation of any property found on said roll and to add thereto any taxable property in the city that may have been omitted, and to value the same as provided in the general laws of this State. They shall meet at such times and places as shall be appointed by the common council, of which time and place notice shall be given by the common council, at least two weeks prior to the meeting, by publishing a notice thereof in some newspaper printed and circulated in said city, and also by posting a copy thereof in three public places in each ward of the city, and shall continue in session not less than three nor more than ten days successively, at least six hours in each day, and any person desiring to do so may examine his or her assessment on said roll, and may show cause, if any, why the valuation thereof should be changed, and said board shall decide the same and their decision shall be final. The concurrence of a majority of a quorum of said board shall be sufficient to decide any question of altering or correcting any assessment complained of, and the members of the

Board of
review.

Power and
duty of board.

Meeting of
board.

Session of
board.

How questions
decided by
board.

How assessments increased or added.

Board to keep record of proceedings.

Controller to deliver roll to board, etc.

Taxes, how levied, etc.

Proviso.

When taxes due and payable.

Treasurer to give notice of receipt of roll, etc.

board shall have the power to administer oaths and examine witnesses, the same as supervisors of townships, as provided by the general laws of this State. No assessment shall be increased nor property added to said roll except upon notice to the persons to be affected thereby, but it shall be sufficient to serve any such notice upon a resident by leaving the same at his usual place of abode forty-eight hours before any action is taken by the board, and in case of a non-resident, to publish such notice in any daily newspaper printed and circulated in said city at least two days before any action is taken by the board. Said board shall keep a record of their proceedings, which record shall be signed by a majority of the board and deposited with the controller.

SEC. 8. The controller shall deliver the assessment roll to the board of review at their first meeting, and after the same shall be confirmed by resolution of said board to be entered on their record, he shall again take such roll into his possession and retain the same in his office, and present the same for equalization to the board of supervisors of Saginaw county.

SEC. 9. The controller shall levy and apportion all sums ordered by the common council to be raised, the sums voted to be raised by the property-holding, tax-paying electors of the city, and all other taxes required by law upon the taxable property of said city, in the same manner that taxes are required by law to be levied in townships; he shall extend the several taxes upon the assessment roll, and complete the same in the manner township tax-rolls are required to be completed, and deliver a copy thereof, with his warrant thereto attached, in the form required by the general laws of the State, to the treasurer within the time prescribed by law for the completion and delivery of the tax-rolls of townships in this State: *Provided*, Security has been given by such treasurer as required by law or in this act provided; but if such security shall not have been given by the treasurer in the manner and within the time required, the common council shall immediately appoint some suitable person who shall give the requisite security to collect such tax-roll, and the person so appointed shall thereupon be entitled to receive said tax-roll, and shall collect and pay over such taxes, and make return of his doings thereon in the same manner, and shall have all the powers and shall perform all the duties, and be subject to the same liabilities, in this act conferred and imposed upon the treasurer of said city for the purpose of the collection, return and paying over such taxes.

SEC. 10. Upon the receipt of the tax-roll by the treasurer, as hereinbefore provided, the taxes thereon shall become due and payable, and he shall forthwith, upon the reception of the said tax-roll, give notice by publishing for three successive days in one or more newspapers printed and circulated in said city, and by posting the same in at least six public places in each ward thereof, that the annual tax-roll has been deposited with him for collection, and that payment of the taxes thereon specified may be made to him without addition to taxes, if paid before the first

day of January then following, but that an addition of one per centum upon all unpaid taxes will be made thereunto on that day, and a like addition of one per centum will be made for each month thereafter until the return of said roll. Upon the receipt of any tax the treasurer shall mark the same paid upon the roll, adding after the word "paid" the day and month when paid.

Taxes paid to be marked on roll.

SEC. 11. By virtue of the warrant by this act authorized to be issued by the controller, the treasurer shall have power, and it shall be his duty, to diligently search for and levy upon the personal property of persons from whom such taxes may be due, wherever the same may be found within the limits of Saginaw county, and he shall have the same powers in respect to the seizure and sale of property and all other proceedings, to enforce the collection of the taxes upon his roll, as are now or may at any time hereafter be conferred upon township treasurers by the general laws of this State.

Power of treasurer to levy and sell property for taxes.

SEC. 12. Every assessment or tax levied or imposed by the authority of the common council or of this act, except where otherwise provided, shall constitute a charge against the person to whom assessed from the date of the delivery of the tax-roll to the treasurer, and shall, together with the interest and charges, become and remain, until paid, a lien upon the lands and tenements against which the same is assessed, from and after the first day of December of the year of the delivery of said roll to the treasurer, and all provisions of law respecting the return and sale of the property for the non-payment of taxes for State, county and township purposes shall apply to the return and sale of property for the non-payment of such city taxes, except as is herein otherwise provided. The county treasurer of Saginaw county shall, on demand, and as fast as the same are received, pay over to the city treasurer the full amount of all city taxes returned delinquent for non-payment received by such county treasurer, together with the interest and the collection fee thereon; and he shall also, as soon as the same are received by the county, pay to said city treasurer the net proceeds of the sale of all property so returned delinquent for the non-payment of city taxes.

Taxes levied to be a lien.

County treasurer to pay over city taxes, etc., collected.

SEC. 13. For public improvements, including apparatus for lighting the city, and building city hall, jail and other public buildings in said city the common council may, if thereunto authorized by a vote of the qualified electors of the city, as provided in section three, title five of this act, borrow on the faith of the city a sum not exceeding fifty thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding six per cent per annum, payable semi-annually, and for that purpose may issue bonds of the city, signed by the mayor and the controller and in such forms and sums, not exceeding in the aggregate the said sum of fifty thousand dollars, as the common council shall direct; and such bonds shall be disposed of under the direction of the common council, upon such terms as they shall deem advisable, but at not less than their par value. The common council may issue new bonds for the refunding of bonds already issued,

Common council may borrow moneys for certain purposes, when.

May issue bonds.

May issue refunding bonds.

	not exceeding twenty thousand dollars in any one year, and for a term not exceeding twenty years, at a rate of interest not exceeding six per cent per annum, to be sold as above provided, the proceeds to be applied solely to paying existing indebtedness:
<i>Provide.</i>	<i>Provided,</i> The aggregate of bonds issued for the refunding of bonds already issued under authority of this section, shall not at any time exceed the sum of one hundred thousand dollars.
Council not to create new liabilities.	SEC. 14. It shall not be lawful for the common council, except as herein otherwise provided, to borrow any money or authorize the creation of any liability or indebtedness against the city.
Property exempt from taxation.	SEC. 15. No real or personal property which shall be exempt from taxation by the general laws of this State, and no public square, park or other public grounds or buildings shall be assessed for the ordinary city, State or county taxes.
Council may issue bonds and provide for payment thereof, etc., when.	SEC. 16. Whenever the common council shall be authorized by a vote of the tax-paying [qualified] electors as aforesaid, they may issue the bonds of the city for the amount so authorized, and provide for the payment of the principal [and interest] thereon, and for this purpose shall annually levy, assess and collect on the assessed value of all the real and personal estate in the city, made taxable by the laws of this State, taxes for this purpose, not to exceed in amount a sum sufficient to pay the interest and principal of such bonds as the same become due.
Orders for payment of money, what to specify.	SEC. 17. No money shall be drawn from the city treasury unless it shall have been previously appropriated to the purpose for which it shall be drawn, and all ordinances, resolutions, and orders directing the payment of money shall specify the object and purposes of such payment, and shall be signed by the mayor and countersigned by the controller before the same shall be paid by the treasurer.
Claims, payment of, etc.	SEC. 18. The common council shall possess the exclusive power to appropriate money and authorize the payment of claims and amounts chargeable against the city; but no unliquidated amount of [or] claim shall be allowed or received for audit, by the common council or the controller, unless it be accompanied by the affidavit of the person rendering it, or some person acquainted with the facts, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered to the city; that the sums charged therefor are reasonable and just; that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as are included or referred to in such account or claim. It shall be a sufficient bar or answer to any action or proceeding in any court for the collection of any demand or claim against the city, that it has never been presented to the controller or common council for audit or allowance, or if so presented, was rejected for want of affidavit, or that the action or proceeding was brought before the common council had a reasonable time to investigate and pass upon it. All amounts due upon contracts shall be audited according to the terms thereof, without unreasonable delay; but on the final settlement thereon, the contractor
To be accompanied by affidavit.	
What to be sufficient answer to action for collection of claim.	
Claims on contract, how settled, etc.	

may be required to make the affidavit herein provided for as in the case of other accounts.

SEC. 19. The faith and property of the city of Saginaw shall remain pledged for the final payment of all bonds issued and all moneys borrowed by said city, by authority of or in accordance with this or any other act of the Legislature of this State.

Faith and property of city pledged for payment of bonds, etc.

SEC. 20. The common council may, whenever thereunto authorized by vote of the qualified electors of the city, as provided in section three of this title, levy such tax in any one year or succession of years as such electors of the city shall authorize, for the purpose of constructing a city hall, for public improvements, including apparatus for lighting the city, prison, workhouse, almshouse, bridge or bridges across the Saginaw river.

Certain taxes may be levied, etc., by council, when authorized.

SEC. 21. The moneys assessed by the common council, under the authority of this act, for licenses and permits and all fines imposed for the violation of the ordinances of the city, except as herein otherwise provided, shall be paid into the poor fund; and in case of any deficiency in said fund the common council shall have power, and it shall be their duty to appropriate from the contingent fund, and to transfer to the poor fund, such sum or sums as may be necessary for the proper care and keeping of the poor of the city.

Certain fines, licenses, etc., to be paid into poor fund.

In case of deficiency in poor fund money to be transferred from contingent fund.

TITLE VI.

OF STREET AND PUBLIC IMPROVEMENTS.

SECTION 1. The common council of the city of Saginaw shall have full power to cause the streets, highways, lanes and alleys of the city to be graded, paved, planked, graveled and lighted, and to make drains, ditches and sewers whenever they shall deem it a necessary public improvement; and shall have power to cause the whole or any part of the expense thereof to be assessed upon the lots, blocks and premises benefited thereby as hereinafter provided, to the extent that such lots, blocks and premises in their opinion are benefited by such improvement.

Common council to have power to grade streets, etc.

Expenses therefor, how assessed.

SEC. 2. Whenever the common council shall deem any such improvement necessary they shall so declare by resolution.

To declare improvements necessary, how.

SEC. 3. Whenever the common council shall determine that the whole or any part of the expense of any public improvement shall be defrayed by an assessment on the lots, blocks and premises benefited thereby they shall so declare by resolution, and shall, before letting the contract for such public improvement, declare by resolution whether the whole or what portion of the cost of such improvement shall be assessed upon such lots, blocks and premises, and designate all lots, blocks and premises or parts thereof which in their opinion will be benefited thereby and which shall be assessed therefor. They shall also cause detailed plans and specifications of the work to be done, and of the materials to be furnished, to be prepared by the city surveyor or some other competent person and filed in the office of the controller, which

When expense to be defrayed by lots, etc., benefited.

Plans, etc., to be prepared.

Advertising for proposals.

shall be open to the inspection of all persons. Before any contract is made for such improvement the controller, under the direction of the common council, shall advertise for sealed proposals therefor in some newspaper printed and circulated in said city, and shall cause notice thereof to be posted in six public places in the city at least ten days before the time fixed for opening such proposals, and such advertisement and notices shall state the time when and the place where such proposals will be opened. The controller shall present to the common council due proof of the publication and posting of such notices before action thereon. Such work and the furnishing of materials therefor shall be let to the lowest responsible bidder, but the common council shall have the right to reject any and all bids and re-advertise the same in like manner as hereinbefore provided.

Work to be let to lowest bidder.

Contract, who to enter into, and what to contain.

SEC. 4. When any such bid has been accepted, the controller, when so directed by the common council, shall enter into a contract for and in the name of the city for the doing of such work and furnishing the materials therefor, as provided in said plans and specifications. Such contract shall provide among other things, that upon the completion of the work therein mentioned according to the terms thereof, the contractor shall be paid the amount due him on his contract in the following manner: that part of the expense of such improvement determined by the common council to be paid by the city to be paid in money, and on the return of the special assessment roll herein provided for, the amount collected on such roll shall also be paid in money, and the balance due on said contract either in money or in the special improvement bonds of the city, issued pursuant to the provisions of this title, as the common council may determine. The contractor shall give security satisfactory to the mayor for the faithful performance of his contract, and such security and the approval thereof shall be endorsed on such contract. No such contract shall be entered into later than the first day of September in any year.

Contractor to give security.

Assessments of benefits.

SEC. 5. As soon as practicable after making any such contract, the common council shall direct the controller to assess that portion of the cost of such improvement, which they have by resolution declared shall be assessed upon the lots, blocks and premises benefited, upon the lots, blocks and premises designated by them as benefited thereby, and which shall be assessed therefor. The controller shall thereupon proceed to make said assessment upon the lots, blocks and premises so designated, in proportion to the benefit which each description of property is by him deemed to acquire from the making of said improvement, reciting in the heading thereof the improvement, and in the body of which shall be entered the names of the persons owning the lots, blocks and premises assessed, a description of the property and the amount or amounts in dollars and cents assessed thereon:

Form of roll.

Proviso.

Provided, In all cases where the ownership thereof is unknown to the controller, he shall in lieu of the name of the owner insert the word "non-resident."

SEC. 6. The controller shall certify that he has made said assessment in accordance with the order of the common council relating thereto, and that the said assessment roll contains a just and true assessment of such part of the costs of such improvement as the common council have determined shall be so assessed, and that the several amounts assessed against each description of property has been set down as nearly as may be, and to the best of his judgment, in proportion to the benefit which such description of property is by him deemed to acquire from the making of said improvement.

Controller to certify to roll.

SEC. 7. Upon the presentation of such special assessment roll, the common council shall cause notice to be given to all parties interested therein, reciting the names on said roll by publication in a newspaper, printed and circulated in said city, once a week for three successive weeks, that the common council will, at such time as they shall appoint, hear complaints and objections to said assessment. The controller shall present to the common council due proof of the publication of such notice.

Notice of hearing of complaints and objections to roll.

SEC. 8. At the time appointed for that purpose, and such other times as the hearing shall be adjourned to, the common council shall hear the allegations and proofs of all persons who may object to or may complain of such assessment. Before the common council shall adopt and confirm such special assessment roll they shall examine the assessment against each description of property therein assessed, and shall determine whether such assessment will justly apportion such part of the cost of said improvement equally upon the lots, blocks and premises benefited thereby, and shall further determine whether any description of property therein assessed is assessed for a greater amount than the benefit it will derive from such improvement. If, in the opinion of the common council, such assessment roll does not justly apportion such part of the cost of said improvement equally upon the lots, blocks and premises benefited thereby, or that any description of property is assessed therein for a greater amount than the benefit it will derive from such improvement, they shall amend the said assessment roll in whole or in part so that such assessment will justly apportion such part of the cost of said improvement equally upon the lots, blocks and premises benefited thereby, and so that each description of property assessed therein will not be assessed for a greater amount than the benefit it will derive from said improvement; or the common council may set the same aside and direct a new assessment to be made and reported as aforesaid, and the proceedings upon such subsequent assessment shall be the same as herein provided for the one first to be reported. Such special assessment, when confirmed by the common council by resolution, shall be conclusively deemed an assessment by the common council, and the several amounts assessed upon and, against the several lots blocks and premises on such special assessment roll shall be a lien thereon from the time such special assessment roll was confirmed as aforesaid.

Hearing and determining.

Correcting and amending roll.

Council may set roll aside and order new assessment.

SEC. 9. When any such special assessment roll has been con-

When roll confirmed warrant to be endorsed thereon and delivered to treasurer.

Treasurer to demand payment of assessments.

Return of unpaid assessments.

Controller to notify council of return. *Provido.*

Collection of returned assessments.

When payable at one time.

When payable in two installments.

firmed by the common council, in the manner herein provided for, the controller, except as hereinafter mentioned, shall immediately endorse his warrant thereon, directing the treasurer to collect from the several persons therein named the sums of money assessed against the lots, blocks and premises belonging to them respectively, and from the owners of the lots, blocks and premises therein marked "non-resident" the sums assessed upon and against the same respectively within thirty days from the date of such warrant, and deliver such special assessment roll, with his warrant thereon as aforesaid, to the treasurer, who, during the said thirty days, shall demand of the persons whose names appear on such roll, and who can be found by him in said city, the sums assessed against their lots, blocks and premises respectively, and shall receive payment from any person of any assessment that may be tendered him, and give his receipt therefor, and mark such assessment "paid" on such roll. The treasurer shall, within five days after the return day of said roll, make and file with the controller, verified by his oath, a full and complete transcript of all parcels of real estate on said roll upon which the assessment remains unpaid, together with the several amounts thereof, and the amount by him collected on such special assessment roll. The controller shall give the common council notice of such return at the next meeting thereafter: *Provided*, When any special assessment roll shall be confirmed, as hereinbefore provided for, between the first day of October and the third day of January next following, the controller shall not annex his warrant thereto or deliver the same to the treasurer until after the said third day of January, but shall do so immediately thereafter.

SEC. 10. When any such special assessment roll has been returned, as herein provided for, with any assessment or assessments thereon unpaid, the common council shall by resolution determine whether the same shall be made payable at one time, or in two, three, four or five installments. If it be determined that such returned assessment or assessments shall be made payable all at one time, the controller shall add interest to each of such returned assessments at the rate of seven per cent per annum from the return day of such special assessment roll to the first day of February thereafter, and place the amount thereof upon the next general tax-roll of the city, opposite the description of land upon which such assessment appeared upon the original special assessment roll, and in a column by itself to be headed "special improvement tax." If it be determined that such returned special assessments shall be made payable in two installments, the controller shall divide each of such assessments into two equal parts, and to one of such parts of each assessment he shall add interest at the rate and for the time aforesaid, and place the amount thereof upon the next general tax-roll of the city in such column and manner as aforesaid; and to the other one-half of each of such assessments he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the second February thereafter, and place the amount

thereof on the second general tax-roll of the city thereafter in such column and manner as aforesaid. If it be determined that such returned special assessments shall be made payable in three installments, the controller shall divide each of such assessments into three equal parts, to be known as the first, second and third installments; and to the first installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of February next thereafter; and to the second installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the second February thereafter; and to the third installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the third February thereafter. If it be determined that such returned special assessments shall be made payable in four installments, the controller shall divide each of such assessments into four equal parts, to be known as the first, second, third and fourth installments; and to the first installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of February next thereafter; and to the second installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the second February thereafter; and to the third installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the third February thereafter; and to the fourth installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the fourth February thereafter. If it be determined that such returned special assessments shall be made payable in five installments, the controller shall divide each of such assessments into five equal parts, to be known as the first, second, third, fourth and fifth installments; and to the first installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of February next thereafter; and to the second installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the second February thereafter; and to the third installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the third February thereafter; and to the fourth installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the fourth February thereafter; and to the fifth installment he shall add interest at the rate aforesaid from the return day of such assessment roll to the first day of the fifth February thereafter. The first installment with the interest added as aforesaid shall be placed on the first general tax-roll of said city thereafter; the second installment, with interest added as aforesaid, on the second general tax-roll of said city thereafter; the third installment, with the interest added as aforesaid, on the third general tax-roll of said city thereafter; the fourth installment, with interest added as aforesaid, on the fourth general tax-roll of said city thereafter; and the fifth installment, with the

When payable
in three install-
ments.

When payable
in four install-
ments.

When payable
in five install-
ments.

Special assessments, etc., to be a lien.

interest added as aforesaid, on the fifth general tax-roll of said city thereafter respectively, in such column and manner as aforesaid. Such special assessments and each installment thereof, and the interest thereto added in the manner aforesaid, when placed upon the general tax-roll of said city as aforesaid, shall be and continue to be a lien upon the lots, blocks and premises upon which such assessments were originally made, and shall be deemed duly assessed and levied thereon upon such tax-roll from the time the same were confirmed by the common council, and they shall draw interest, be dealt with, returned and the collection thereof enforced in the same manner as other taxes levied on such general tax-roll of said city, and land returned delinquent therefor, proceeded against and sold in the same manner and with the same effect as lands on such roll returned delinquent for other taxes are proceeded against and sold.

Assessments paid on wrong property, how collected by party paying.

SEC. 11. Where any such special assessment shall be paid by any person interested in any of the lots, blocks and premises so assessed, when by agreement or by law the same ought to be borne or paid by any other person, it shall be lawful for the one so paying to sue for and recover of the person bound to pay the same the amount so paid, with interest. Nothing herein contained shall impair, or in any way effect any agreement between any landlord and tenant, or other person, respecting the payment of any such assessments.

"Public improvement," what construed to include.

SEC. 12. The term public improvement, as used in this act, shall be held and construed to include, not only those set out and recited in the first section of this title, but the stumping, ditching and grading of all public streets, highways, lanes and alleys, the construction of plank roads, the construction of pavements of wood or stone, including the crosswalks, flagging and curbing, excavating and grading for the same; the planking, graveling, macadamizing with broken or pounded stone of the streets or roadways of the city; the draining and filling of all the low lands and lots; the general betterment of all streets, highways, lanes, alleys, parks, public places and grounds within the city.

Proceeding under this title to be matters of record, etc.

SEC. 13. All proceedings of the common council under the provisions of this title, shall be matters of record in the proceedings of the common council, and shall not fail on account of any technical or clerical error made by any officer of the city, and shall be construed favorably by all courts of this State, and in case of litigation that may arise between the corporation and any persons, out of proceedings under this title, the court shall require the complainants to furnish sufficient bonds and sureties to indemnify the city against any loss or damage that may accrue to it from such proceedings, before granting process of injunction against the said corporation.

Special improvement bonds, how issued, etc.

SEC. 14. Whenever it has been determined in the manner provided for in section eleven how any returned special assessments shall be made payable, the common council, for the purpose of raising so much of the money to pay for the improvement for which such assessment was ordered as remains uncollected, shall

cause to be issued "special improvement bonds" of the city, for an amount equal to the aggregate amount of such uncollected special assessments, and shall cause the same to be sold for money, but not for less than the face value thereof, and the proceeds thereof placed to the credit of the "special improvement fund," or such bonds may be delivered to the contractor on account of whose contract they were issued, if his contract is fully performed, in payment of any balance due him on his contract: *Provided*, When any special assessment roll has been returned with uncollected taxes thereon amounting in the aggregate to less than one hundred dollars, or in excess of one hundred dollars or multiple thereof, such sum less than one hundred dollars, or in excess of one hundred dollars or multiple thereof, shall be paid the contractor in money from the special improvement fund, and the aforesaid special improvement bonds shall only be issued in sums of one hundred dollars or a multiple thereof. If it shall have been determined, in the manner provided for in section eleven, that the whole amount of such returned special assessments be made payable at one time, such bonds shall be made payable on the first day of March thereafter. If it shall have been determined that such returned special assessments be made payable in two installments, one-half of such bonds in amount shall be made payable on the first day of March next thereafter, and one-half thereof in amount on the first day of the second March thereafter. If it shall have been determined that such returned special assessments be made payable in three installments, one-third of such bonds in amount shall be made payable on the first day of March next thereafter, one-third thereof in amount on the first day of the second March thereafter, and the other one-third thereof in amount on the first day of the third March thereafter. If it shall have been determined that such returned special assessments be made payable in four installments, one-fourth of such bonds in amount shall be made payable on the first day of March next thereafter, one-fourth thereof in amount on the first day of the second March thereafter, one-fourth thereof in amount on the first day of the third March thereafter, and the other one-fourth thereof in amount on the first day of the fourth March thereafter. If it shall have been determined as aforesaid, that such returned special assessments be made payable in five installments, one-fifth of such bonds in amount shall be made payable on the first day of March next thereafter, one-fifth thereof in amount on the first day of the second March thereafter, one-fifth thereof in amount on the first day of the third March thereafter, one-fifth thereof in amount on the first day of the fourth March thereafter, and the other one-fifth on the first day of the fifth March thereafter.

SEC. 15. The bonds provided for in the preceding section shall draw interest at the rate of five per cent per annum, payable semi-annually, to-wit: On the first day of September and on the first day of March; they shall be dated and numbered in the order of their issue, show for what improvement they were issued, be under

How disposed of.

Proviso.

When special improvement bonds to be made payable.

Interest on bonds, rates of, and when payable.

Controller to
keep an account
of bonds, etc.

Proviso.

the seal of the city, and shall be signed by the mayor and controller and made payable at such place as the common council shall direct. The controller shall keep a correct account of such bonds in a book to be provided for that purpose, showing the date, number and amount thereof, for what improvement issued and when payable; and when such bonds are paid the fact and date thereof shall be noted on such record: *Provided*, Not more than twenty thousand dollars in amount of such bonds shall be issued in any one year, and the amount thereof outstanding shall not at any time exceed eighty thousand dollars, and no such bonds shall be issued between the first day of November and the first day of March following.

Money belong-
ing to special
improvement
fund to be used
for certain
purposes.

SEC. 16. No money belonging to the special improvement fund shall be used for any other purpose than to pay for such improvements, and the principal and interest of the bonds issued therefor, so long as any such improvements remain unpaid for or any such bonds remain outstanding. If at the maturity of any of the special improvement bonds, there shall not be sufficient money in the special improvement fund to pay the same, the common council may direct a transfer from the highway fund or contingent fund to the special improvement fund of such sums as may be necessary for the payment of such bonds, and the same shall be restored to the fund from which it was taken as soon as the special improvement fund will admit thereof. All said bonds shall be paid at maturity, and the common council shall not have the power to authorize the re-issue of the same bonds or of bonds to take up said original bonds.

Bonds must be
paid at
maturity.

Assessment of
non-resident
lands for certain
purposes.

SEC. 17. The common council are hereby authorized to cause to be assessed the lands of non-residents of the city, their just proportion of the expenses of cleaning ditches, repairing streets and sidewalks, and removing nuisances, and the expense shall be assessed in the same manner, and the amount so assessed shall be collected in the same manner, and the same proceedings shall be had in case of non-payment of the same, as in relation to the assessments for public improvements in said city, except as the common council may otherwise determine or direct.

Parties may
improve certain
streets, etc., at
their own cost,
etc.

Proviso.

SEC. 18. The common council shall permit any person who shall be the owner or agent of any tract, plat or addition within the limits of the city to improve, grade, plank or pave any street lying within said tract, plat or addition, the cost of which, if improved by order of the council, could be assessed against such person or agent: *Provided*, All such work shall be done under the direction of the common council and shall, in all respects, conform to the established plan and grades for streets in said city.

Council may set
aside assess-
ments, etc., and
order new in
place of.

SEC. 19. Whenever any special assessment for the improvement of a street or for any other work shall, in the opinion of the common council, be deemed invalid, said common council may vacate and set the same aside; and when any such special assessment shall be so vacated or is held invalid by the judgment or decree of any court of competent jurisdiction, said common council may cause a new assessment to be made. Such new

assessment shall be made in the manner provided for making original assessments of like nature, and whenever the tax or any part thereof assessed upon any lot or parcel of real estate by the original assessment has been paid and shall not have been refunded, it shall be the duty of the controller to apply said assessment upon the re-assessment upon said lot or parcel, and to make a minute thereof upon the new assessment roll. All the provisions of this act making special assessments a lien upon the lots and parcels of real estate embraced therein, and also those relating to the collection and return of special assessments, shall in like manner apply to such re-assessment.

How new assessments made.

SEC. 21. It shall be the duty of owners and occupants of lots, blocks and premises in the city of Saginaw, at their sole cost and expense, under and according to the directions of the common council, to build, maintain and keep in repair all sidewalks on the streets in front of and adjacent to the lands and premises owned or occupied by them.

Duty of owners of land to make, etc., sidewalks.

SEC. 22. The common council shall have power by resolution to prescribe the grade, width and character of any and all sidewalks, and the materials of which and the time within which the same shall be constructed or repaired by the person whose duty it is to construct, maintain and repair the same.

Council may prescribe grade, etc.

SEC. 23. When the common council shall have adopted a resolution ordering any sidewalk to be built or repaired, it shall be the duty of the street commissioner immediately thereafter to cause a copy of such resolution to be served upon each owner or occupant of the lots, blocks or premises where such work is ordered, and such service may be made by leaving the same at such owner's or occupant's usual place of residence, or to cause a copy of such resolution to be published once a week for two successive weeks in some newspaper printed and circulated in said city. The street commissioner shall present to the common council proof by affidavit of the service of such notice, when personally served, and of the publication thereof when published, and such affidavit, so far as any tax or assessment may be affected thereby, shall be deemed conclusive proof of the facts therein stated. The time within which such sidewalk is ordered to be built or repaired shall commence from the day of such service, as aforesaid, or, when published, from the last day of publication.

Street commissioner to notify parties to make, repair, etc., sidewalks.

To present council with proof of service of notices.

SEC. 24. When the common council has ordered any sidewalk to be constructed or repaired, as aforesaid, it shall be the duty of the street commissioner to see that the same is done according to the terms of the resolution ordering the same. If the same or any part thereof shall not be done within the time and in the manner ordered, the street commissioner shall report the fact to the common council at the next regular meeting after the expiration of such time, and his report shall be verified by his affidavit. The common council shall thereupon direct the street commissioner immediately to cause such sidewalk to be constructed or repaired, and it shall be the duty of the street commissioner, when so directed, without unnecessary delay thereafter, to cause

Street commissioner to see that walks are constructed, etc., and report failure.

Duty of commissioner upon failure of parties to construct, etc.

such sidewalk to be constructed or repaired in accordance with the resolution of the common council thereto.

Commissioner
to report cost to
council.

SEC. 25. Whenever the street commissioner shall have caused unfinished portions of a sidewalk to be completed, as provided in the preceding section of this title, he shall report to the common council, at its next regular meeting thereafter, a statement of the actual cost of constructing or repairing such walk in front of each lot or parcel of land, done or caused to be done by him in complying with such order of the common council, which statement shall be verified by his affidavit, and such statement shall be entered at length upon the journal of the common council. Upon such report being approved, the common council shall direct the controller to make out and report to the council for consideration an assessment upon and against the premises fronting on the unfinished portions of such sidewalk, so completed by the street commissioner, to pay the costs and expenses of completing the same, and against the owners and occupants thereof, and when any premises are unoccupied, and the owner thereof is unknown, they shall be described on such assessment roll as "non-resident." Such cost and expense shall be apportioned to such premises in proportion to the frontage of each lot, block and parcel of land upon the street where the sidewalk was so completed. On presentation of the assessment above provided for, the common council shall fix a time and place for considering the same, and the controller shall cause notice thereof to be published as provided in section seven [7] of this title, and the proceedings for the confirmation of such special assessment shall be as provided in section eight [8] of this title, except the cost shall be apportioned by frontage on the street.

Council to
direct assess-
ment of costs of
building, etc.

Costs, etc., how
apportioned.

Considering and
confirming
assessment.

Proceedings
after roll is
confirmed.

SEC. 26. When such assessment roll has been confirmed by the common council, the subsequent proceedings thereon shall be as provided in section nine [9] of this title, and all assessments thereon shall be a lien upon the premises upon which they are levied or assessed, from the time of confirmation.

Returned
unpaid assess-
ments, how
disposed of.

SEC. 27. When any such sidewalk assessment roll has been returned with any assessment or assessments thereon unpaid, the controller shall add interest to each of the assessments thereon, at the rate of seven per cent per annum, from the return day thereof to the first of February next thereafter, and place the amount thereof on the next general tax-roll of the city, opposite the description of land upon which and the name of the person against whom the same was assessed on the original sidewalk assessment roll, in the column to be headed "special improvement tax," and such assessments and the charges and interest thereon, when so placed on the general tax-roll of said city, shall be and continue to be a lien upon the lands against which they are severally and respectively assessed, and a charge against the persons opposite whose names they severally and respectively stand on such general tax-roll, from the confirmation of the original sidewalk assessment roll as hereinbefore provided. And they shall draw interest, be dealt with, and the collection

thereof enforced in the same manner as other taxes levied on the general tax-roll of said city, and lands returned delinquent therefor shall be proceeded against and sold at the same time, in the same manner, and with like effect, as lands on such roll returned delinquent for other taxes thereon are proceeded against and sold.

SEC. 28. If from any cause any returned uncollected special assessment shall not be placed upon the general tax-roll or rolls of said city, at the time or times provided therefor, the same may be placed upon any subsequent tax-roll or rolls of said city, as may be directed by the common council, with interest thereto added from the return day of such special assessment to the first day of February next after the date of the tax-roll upon which the same is placed.

Returned uncollected assessments may be placed on any succeeding roll.

SEC. 29. The common council shall have power to compel the owners or occupants of any lands in the city fronting on any street or streets in said city, to deepen or clean out, or both deepen and clean out the ditches and gutters at the sides of any and all streets in said city; and whenever the common council shall determine that such ditches or gutters need cleaning or deepening, or both, they shall so declare by resolution, and direct the street commissioner to notify such owner or occupant of such lands to clean or deepen, or both clean and deepen such ditch or gutter in such manner as said common council shall direct, within ten days from the time of service of such notice; and in case any such owner or occupant shall refuse or neglect to comply with such notice, the work shall be done by the street commissioner, and the cost and expense thereof may be recovered by said city, with costs of suit, before any court of competent jurisdiction; and such costs and expenses may be assessed upon the lands of such owner or occupant, and collected in the same manner as other taxes for public improvements.

Cleaning ditches and gutters.

TITLE VII.

RIGHTS OF WAY FOR STREETS, ETC.

SECTION 1. The common council shall have power to lay out and establish streets, sewers and drains of such size, width and extent as they may deem necessary, across any lands within the city, and to acquire the right of way therefor, as provided in this title, and to vacate any street, lane or alley in the city.

Council may lay out streets, sewers, etc., and vacate the same.

SEC. 2. Whenever the common council shall by resolution declare that it is necessary to lay out and establish a street, sewer or drain across private property, the resolution shall describe with reasonable certainty the contemplated improvement and the lands it will be necessary to take or to cross therefor, and shall fix a time and place when and where the council will treat with the owners of such lands for the right of way across the same. The controller shall thereupon issue a notice not less than twelve nor more than thirty days before the time

Proceedings to lay out streets, sewers, etc.

Notice to owners, etc., of meeting of council to treat with owners.

How notice signed and served.

Return of officer serving notice.

Council may take release from owners on agreement.

Proceedings in case no agreement can be made with owner.

City attorney to file notice with justice.

Justice to issue notice, etc., to be served by marshal on owner, etc.

so fixed, directed to the marshal or any constable of the city, containing the name of each owner, occupant and person interested in said lands, and the guardian of any minor or incompetent person interested therein, so far as known to the controller, and also a copy of the aforesaid resolution, commanding him to notify each of the persons named therein, if they can be found within the city, of the time and place when the common council will meet for the purpose stated in said resolution, and a copy of such notice shall be published two weeks in a newspaper printed and circulated in said city, to be designated by the common council. Said notice shall be signed by the controller and served at least twelve days before the time stated therein for treating with said parties, by delivering personally to each person therein named a copy thereof, if to be found within the city, and if any such person cannot be found, then by leaving a copy thereof at his last place of abode, in the presence of some member of his family of suitable age and discretion, who shall be informed of its contents. The officer serving said notice shall make a return thereto, stating the time and manner of serving it, and file the same with the controller on or before the time named therein; and said return, together with proof of the publication of said notice, shall be laid before the common council at the time fixed for treating with said parties.

SEC. 3. At the time and place fixed for treating with the owners of the land required for such street, sewer or drain, or at some subsequent time to which the matter may be adjourned, the common council may agree with the owners of such lands for the right of way across the same, and take a release from such owners therefor, or from any such owner.

SEC. 4. If the common council for any reason shall not be able to obtain a release to the city of the right of way for such street, sewer or drain across all or any of the lands required therefor in the manner provided in the preceding sections, they may by resolution direct the city attorney to apply to a justice of the peace of said city, at a time to be specified therein, to empanel a jury as hereinafter provided, to determine the necessity for such street, sewer or drain, and the necessity for taking and using for the public use the property required for such improvement, and the just compensation to be made therefor, and shall designate therein the newspaper in which all notices herein required shall be published.

SEC. 5. The city attorney, when directed to make the application mentioned in the preceding section, shall immediately cause a certified copy of said resolution to be prepared, and file the same with said justice. Said justice shall thereupon issue a notice directed to the marshal or any constable of the city containing the name of each owner, occupant and person interested in said lands, and the guardian of any minor or incompetent person interested therein, and also a copy of said resolution, stating that a jury will be empaneled at the time and place named for the purpose stated in said resolution. Said notice shall be signed by

said justice, and shall be served and returned, and a copy thereof shall be published in all respects the same as required in section two of this title, and the officer's return of the service thereof, and the proof of the publication thereof shall be filed with said justice on or before the time of empaneling said jury.

SEC. 6. On presentation of such application and proof of publication and service of the notice required by the preceding section, at the time named in such notice, the justice named therein shall have power and it shall be his duty to direct the marshal, or if he be interested in the matter of such street, sewer or drain, or unable to act, then some constable of the city not interested therein, to prepare and write down a list of the names of twenty-four disinterested freeholders, residing in the vicinity of the property required for such improvement, from whom to select a jury of twelve to determine the necessity for such street, sewer or drain, and the necessity for taking and using such property for the public use therefor, and the just compensation to be made therefor.

Order for jury
to be made by
justice.

SEC. 7. The marshal or constable, when so directed, shall then and there write down on such list the names of twenty-four disinterested freeholders, residing in the vicinity of the property required for said improvement, and submit the same to said justice. The city attorney, on the part of the city, shall then and there strike off six names from such list, and the owner or owners of the property and persons interested in said lands shall strike from such list six other names. Should none of such owners be present, or should they fail to agree upon the six names to be stricken off, or for any reason fail to strike them off, the said justice shall then and there strike from such list six names for and on the part of the persons interested in such lands, and the twelve persons whose names remain on such list shall constitute a jury for the purpose expressed in the fourth section of this title, and the said justice shall immediately issue a *venire* to the marshal or any constable of said city, commanding him to summon the twelve persons whose names remain upon such list to appear before him (the said justice), at a time and place therein to be named, to serve as a jury to determine the necessity for such street, sewer or drain, and the necessity for taking and using such property for the public use therefor, and the just compensation to be made therefor, which *venire* shall be returnable not less than three nor more than six days from the date thereof, and the said justice shall then and there publicly announce when and where such *venire* is made returnable.

Selecting jury.

Venire.

SEC. 8. It shall be the duty of the marshal or constable to whom such *venire* is delivered, to serve the same at least one day before the return day thereof upon each of the persons therein named, if they can be found by him within the county of Saginaw, and on the return day therein named to make return thereof with his doings thereunder, and it shall be the duty of each of such persons upon whom such *venire* is served, as aforesaid, to appear

Service of
venire.

before the said justice at the time and place therein named and to be sworn and serve upon such jury.

Completing
jury.

SEC. 9. Should such *venire* not be served upon any person or persons therein named, or should any one upon whom the same was served fail to appear at the time and place therein named, the justice shall direct the marshal or constable who served the same immediately to summon as many talesmen, being disinterested freeholders residing in the vicinity of the property required for said improvement, as may be necessary, with those appearing, to make a jury of twelve, to appear forthwith before the said justice to complete such jury.

Oath of jury.

SEC. 10. Immediately on the completion of such jury, and before entering upon their duties, they shall take and subscribe an oath, to be administered by the justice, justly to determine the necessity for such street, sewer or drain, and the necessity for taking and using such property for the public use therefor, and the just compensation to be made therefor, and the said jurors, each for himself, shall further swear that he is a freeholder, residing in the vicinity of the property to be taken, and not interested therein, and the said justice shall then and there publicly announce when and where the jury will receive any evidence that may be offered upon the questions they are to determine; and the jury shall have power to adjourn as may be necessary for a just examination and determination of the matters submitted to them.

Qualification of
jurors.

Justice to swear
witnesses and
enter proceedings
on his
docket.

SEC. 11. The said justice shall attend the jury and swear all witnesses that may be offered on the part of the city and by any one interested in the property proposed to be taken for such street, sewer or drain, and shall enter on his docket all the proceedings had by and before him and all orders made by him in the matter of such street, sewer or drain, and all adjournments of the jury, and shall receive all papers that may be presented to him in such matter, and make return thereof as hereinafter provided.

Jury to view
property, etc.

SEC. 12. The jury, before making their final determination, shall view the property proposed to be taken, and if they deem it necessary to establish such street, sewer or drain, and to take for the public use the property required therefor, they shall determine in their verdict the public necessity for the proposed improvement, and for taking such private property for the use or benefit of the public for the proposed improvement, and the just compensation to be made to each owner thereof and to each person interested therein, as his interest may be made to appear before them, and shall make and subscribe a statement of their determination, wherein the lands so to be taken shall be correctly described, and deliver the same to the justice. If necessary, the city attorney may require the city surveyor or some other competent person to make a correct survey of the lands to be taken. The jury shall be paid by the city two dollars per day and at a proportionate rate for parts of a day.

What to de-
termine in their
verdict.

City attorney
may require
surveys to be
made, etc.

Compensation
of jury.

SEC. 13. The justice shall annex to the determination of the

jury, all the papers in the case that may have been delivered to him, together with a transcript from his docket of all entries and orders appearing thereon, with his certificate that they constitute all the papers, proceedings, orders and entries in the case, and present them to the common council within fifteen days after the determination of the jury or at the first regular meeting of the common council after that time, and the same shall be entered at length upon the journal of the common council, and when so entered shall be deemed a public record for all purposes. The justice shall receive for his services, to be paid by the city, two dollars per day while attending such jury, and a proportionate sum for parts of a day, and also such other fees as may be allowed by law for like services in civil cases, and the marshal or constable such fees as are allowed by law for constables' fees in civil cases for similar service.

Justice to make returns to council, when.

Returns to be entered on journal.

Compensation of justice, marshal, etc.

SEC. 14. Such determination of the jury shall be deemed a release to the city of the right of way for such street, sewer or drain (except as hereinafter provided) and on paying or tendering to the persons entitled thereto the compensation awarded by the jury, the city shall have the right to enter upon, occupy and use the lands therein described for such street, sewer or drain: *Provided*, The common council shall have the right by resolution at any time within thirty days after the determination of the jury has been presented, as aforesaid, to abandon all further proceedings in the matter of such street, sewer or drain, and in that case the city shall not be liable for the compensation awarded by the jury. If no such resolution be adopted by the common council within the time aforesaid, such determination of the jury shall stand as a judgment against the city for the amount of compensation awarded in favor of the persons to whom the same was awarded.

Determination of jury deemed a release to the city of right of way, etc.

Provide as to right of council to abandon proceedings.

When determination to stand as judgment against city.

SEC. 15. If for any reason any jury empaneled for the purpose aforesaid fail to agree, they may be discharged by the justice and a new jury may be empaneled on the notice hereinbefore provided for, and thereupon the same proceedings may be had as is provided for in the first instance.

On failure of jury to agree new jury may be empaneled.

SEC. 16. No determination or reward of such jury shall be held invalid because of any mere formal defect in any notice or proceeding required by this title to be given or had.

Determinations not invalid for certain defects.

SEC. 17. No street, lane or alley shall be vacated or altered, unless the person applying therefor shall give notice thereof, naming the time and place when and where he will apply to the common council to vacate or alter the same by publishing such notice in some newspaper printed and circulated in said city, once a week, for three successive weeks, before the time named for making such application, and by personally serving a copy of such notice upon each occupant of any lot or parcel of land lying upon such street, lane or alley, at least two weeks before the time of making such application. Upon the hearing of such application all persons in interest may be heard, in person or by counsel, and no street, lane or alley shall be vacated unless upon good cause

Vacating streets, alleys, etc.

shown, and by a vote of three-fourths of all the aldermen elect, but nothing herein contained shall abridge the power of the circuit court to vacate any plat or any part thereof in the manner provided by law.

TITLE VIII.

FIRE DEPARTMENT.

Common council may establish, etc., fire department and maintain the same.

SECTION 1. The common council shall have power to enact such ordinances, and establish and enforce such regulations, as they shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom, and for this purpose to establish and maintain a fire department, and to organize and maintain fire, hose and hook and ladder companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof, and for the care and management of the engines, apparatus, property and buildings pertaining to the department, and prescribing the powers and duties of such employés, firemen and officers.

Further power of council relative to fires, etc.

SEC. 2. The common council shall also have such further powers and duties in relation to fires and to the prevention thereof, and to the fire department of the city, as is conferred by the provisions of chapter twenty-nine of act number one hundred and seventy-eight of the session laws of eighteen hundred and seventy-three, entitled "An act for the incorporation of cities," approved April twenty-ninth, eighteen hundred and seventy-three, being subdivision twenty-nine of chapter eighty Howell's Annotated Statutes, or which are now or may at any time hereafter be conferred by the general laws of this State.

TITLE IX.

SUPPORT OF THE POOR.

Power and duty of the director of the poor.

SECTION 1. The director of the poor shall possess all the powers and authority of directors of the poor of towns in this State, in relation to the support and relief of indigent persons, the binding out of children who shall solicit alms, or who, or whose parents shall become chargeable to the city, or to the county of Saginaw, in said city; the safe keeping and care of lunatics; the care of habitual drunkards, the binding out and contracting for the services of disorderly persons, the support of bastards, and all such other powers as are conferred on directors of the poor in the respective towns, and shall be subject to the same duties, obligations and liabilities.

Common council may erect an almshouse, when.

SEC. 2. Whenever the common council shall be authorized so to do by the electors of the city, in the manner provided by this act, they may, by a vote of two-thirds of all the members thereof,

cause an alms-house to be erected within or without the city limits, and may provide for the expense of the maintaining of the alms-house by a tax or taxes on the real estate within said city, and on the personal property of residents therein, in the same manner as hereinbefore provided in respect to taxes for the general expense of the said city, and the same proceedings for that purpose shall be had in all respects.

SEC. 3. The common council shall appoint such other officers and servants for the government and management of the said alms-house as they shall deem necessary; they shall hold their appointment during the pleasure of the common council, and the common council shall make such regulations as they think necessary for the government, management, support and good order of the said alms-house, its tenants, officers, keepers and servants.

May appoint officers, etc., to manage alms-house and make rules, etc., therefor.

SEC. 4. The common council may cause such labor in manufactures or otherwise to be performed by the tenants of such alms-house as they shall prescribe, and may provide the materials and implements therefor at the expense of the city.

May employ tenants of alms-house at labor.

TITLE X.

ENFORCEMENT OF ORDINANCES.

SECTION 1. Prosecutions for violations of any of the ordinances of the common council may be commenced before any justice of the peace of the city, designated by the common council as a police justice, by complaint and warrant; and upon complaint in writing and on oath being made before said justice setting forth briefly what ordinance of said city has been violated and in what manner and by whom, said justice shall issue his warrant directed to the marshal or any deputy marshal or constable of the city, reciting the substance of such complaint, and commanding such officer, in the name of the People of the State of Michigan, to arrest the person named in said complaint and bring him forthwith before said justice to answer said complaint and be dealt with according to law, and upon such person so being brought before such justice, such proceedings shall be had as are provided for the trial of criminal cases before justices of the peace by the general laws of the State of Michigan.

Prosecutions under ordinances, how and where commenced.

Proceedings before justices.

SEC. 2. The marshal, or any deputy marshal, constable or other peace officer of the city may arrest any person, without warrant, while in the act of violating any ordinance of the city or any criminal law of this State, and the person so arrested shall be forthwith taken before the justice of the peace, so designated by said common council as aforesaid, and complaint then made against the person so arrested, and such proceedings shall thereupon be had as provided in section one, except that no warrant need be issued for the arrest of the person so brought before said justice: *Provided*, That any person so arrested in the night time or on Sunday may be detained in custody until such time as he can be taken before such justice.

Who may make arrests without warrant and for what cause.

Provido.

Sentencing
offenders.

SEC. 3. Upon conviction of any person in prosecutions commenced by complaint, it shall be the duty of the justice before whom such conviction is had to sentence the offender to pay such fine or penalty as said justice may determine, not exceeding the amount specified in the ordinance violated, together with the costs of prosecution, within such time as said justice shall order; and in default of such payment the justice shall order the offender to be imprisoned in the city jail, or in the county jail of Saginaw county, for such time as such justice may determine, not exceeding the time fixed in and by the ordinances for the violation of which said offender was convicted; and said justices shall issue a commitment directed to the marshal or any deputy marshal or constable of the city and to the keeper of the jail in which such offender is ordered to be imprisoned, commanding that such offender be taken to said jail and there confined for the time ordered by said justice, and it is hereby made the duty of the officer to whom such commitment is directed to obey the same. Any person so imprisoned shall be entitled to his discharge upon payment to said justice of the amount of such fine or penalty and costs.

Commitment.

Payment of
fine entitles
prisoner to
discharge.

Right of trial
by jury.

SEC. 4. Any person arrested for violating any ordinance of the city may demand a trial by jury, which shall be selected and summoned in the same manner as is provided by the laws of the State of Michigan for trial of criminal cases before justices of the peace, and in case of a demand for a trial by jury the marshal, or any deputy marshal or constable of the city may prepare the list, receive the *venire*, and summon the jury.

Common
council may
provide jail or
work-house and
make orders
for its govern-
ment, etc.

SEC. 5. The common council shall have power and authority, whenever they shall deem it expedient, to provide a city penitentiary, work-house, jail or police station, and appoint the necessary officers thereof, where all persons charged with, or convicted of, the violation of any provision of the charter, by-laws or ordinances of said city, punishable by imprisonment, may be confined, imprisoned and employed at hard labor until discharged by authority of law, and such city penitentiary, work-house, jail or police station, when so provided, shall be deemed a jail or prison established by law; and the common council may regulate the time and manner such prisoners shall be kept at labor, and make all by-laws, ordinances or orders concerning the good government and regulation of said penitentiary, work-house and jail, and for the punishment of such prisoners as may refuse to work therein as they may deem necessary and proper.

Who may be
confined in
said jail.

SEC. 6. Any person arrested by virtue of any process issuing from any court of justice or by authority of any officer of the city, or for violation of any ordinance of the city, may be confined in said penitentiary, work-house, jail or police station in the same manner as prisoners are or may be detained in the jail of Saginaw county; and any law of this State for the confinement, care and subsistence of prisoners, and prohibiting escapes, aiding prisoners to escape, or any other act detrimental to the safety of prisoners

Certain gen-
eral laws to
apply to the
same.

in a county jail, shall apply to said police station, jail, work-house or penitentiary.

SEC. 7. All persons charged with, or convicted of, offenses against the general laws of the State, or for violation of this act, or of the ordinances passed in pursuance thereof, may by the direction or sentence of the court having jurisdiction of the offense, be confined either in the city jail or police station, work-house or penitentiary, or in the county jail of Saginaw county; and when in the first instance taken to or confined in the city jail or station, may be removed to the county jail by the direction of said court or of the common council.

Who may be sentenced to said jail.

SEC. 8. The city of Saginaw shall be allowed the use of the common jail of the county of Saginaw, for the imprisonment of all persons subject to imprisonment under the provisions of this act or the by-laws and ordinances of said city; and all persons committed to jail by any justice of the peace of said city for any violation of this act or any such by-law or ordinance, shall be lawfully in the custody of the sheriff of said county, who shall safely keep the person so committed until lawfully discharged, as in other cases.

City allowed use of Saginaw county jail.

SEC. 9. The circuit court of the county of Saginaw shall have exclusive appellate jurisdiction of all causes, civil and criminal, brought before any of the justices of the peace of the city, and also of all prosecutions brought before any police justice for violation of this act or of any ordinances of the city, and of all actions for the recovery of any fine, penalty or forfeiture for the violation hereof. Appeals may be taken from and writs of *certiorari* may issue to said justice of the peace and police justice in the same cases, upon the same conditions, and with like effect as is now or may at any time hereafter be provided by the general laws of the State in respect to actions, prosecutions and proceedings before justices of the peace in the several townships of the State: *Provided*, That on the trial of all appeals from any convictions for violation of the provisions of this act, or of any ordinance made in pursuance thereof, the city attorney shall be entitled to appear and to prosecute the same, and may exercise the same powers, and perform the same duties in the prosecution thereof, as are exercised and performed by the prosecuting attorney of Saginaw county on the trial in said court of offenses against the general laws of the State.

Circuit court of Saginaw county to have appellate jurisdiction, etc.

Appeals from city courts governed by general law.

Proviso as to appearance of city attorney.

TITLE XI.

REGISTRATION AND ELECTION DISTRICTS.

SECTION 1. Each ward shall be an election district by itself, but it shall be lawful for the common council, in its discretion, at any time before the first day of March next preceding any general or charter election, to divide the several wards of the city, or either of them into convenient election districts for the hold-

Election districts.

Inspectors of election.	ing of general and special elections, and in case any ward or wards shall be so divided, the provisions of the general laws of the State and of this act relating to the elections shall be applicable to such election districts. The common council shall, at least twenty days prior to any general or special election, appoint two inspectors of election for each ward so divided into election districts, and one of the inspectors so appointed, with one of the aldermen of the ward so divided, shall act as a board of registration in each of said election districts. Vacancies in any board of inspectors may be filled by the electors present, as in other cases of such vacancies. Any election district so made shall remain an election district by itself until changed by the common council.
Board of registration.	<p>SEC. 2. The city board of registration shall cause a session of the board of registration of each ward or election district of the city, to be held on the Wednesday next preceding the first Monday in April in the year eighteen hundred and eighty-eight, and on the Wednesday next preceding the first Monday in April in every fourth year thereafter, for the purpose of making a re-registration of the qualified electors of each ward or election district in said city; and for such purpose the aldermen of each ward, or substitutes to be appointed as provided by the preceding section, shall constitute the board of registration for such ward, but said city board may appoint other persons than ward officers as such substitutes; and in case said wards, or any of them, shall be divided in the formation of election districts, said city board may appoint the necessary number of persons to act as a board of registration for any district which may otherwise be without such board. Said board shall cause a like notice of such meeting and registration, and of the time and place of holding the same to be published and printed in like manner and for the same period as is required by section two of the act "Further to preserve the purity of elections, and guard against the abuses of the elective franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, and the acts amendatory thereof. The several wards or district boards shall be in session on the Wednesday next preceding the first Monday in April as aforesaid, and for not less than three days thereafter, from nine o'clock in the morning to one o'clock in the afternoon, from four o'clock to eight o'clock in the afternoon, and shall be provided with the proper blank books for registering the names of voters, of the form heretofore used, and shall have the same powers and perform the same duties as are conferred upon or required of boards of registration under the act aforesaid, and the same rules and requirements shall be observed in such registration, in all respects, as were required in the original registration under said act. When such registration shall be completed the former registry of electors in such ward or district shall henceforth be deemed invalid and shall not be used at the ensuing elections; and no person shall vote at any public election in said wards or districts, after such re-registration whose name shall not be registered anew under the provisions of</p>
Meeting of boards of registration for making a re-registration.	
Who to constitute board for this purpose.	
Notice of meeting of board.	
When ward and district boards to be in session.	
Power and duty of board.	
When re-registration completed old one to be invalid.	

this section, or be afterwards properly entered on such new register, according to the provisions of the act aforesaid or of this act.

SEC. 3. At the sessions of the board of registration in the several wards or election districts, except a year in which a new registration has been made, they shall review and complete the list of qualified voters as provided by law; and in order to prevent, so far as possible, the blotting, mutilation or disfigurement of said registration of electors, it is enacted that no name shall be entered in such register except in the hand-writing of one of the board of registration, and then only by direction of the proper board during its session; and no member of said board shall write or make any entry in said register except the same be permitted by law, and no other person shall make any entry or mark whatever therein, excepting inspectors of election, as provided by this act: *Provided*, That any elector desiring to enter his name in his own hand-writing may do so, if the board shall have decided that such elector is entitled to be registered; but when any person shall have ceased to be an elector of any ward or election district, the board of registration for such ward or district at its session may note the fact in red ink across the name of such elector, in addition to the marks provided to be set opposite his name by law. No name shall be entered in said register excepting upon the personal application of an elector desiring his name to be registered and upon due examination made, as required by law, unless the person whose name is registered is personally known to the board of registration, or at least one member of said board, to be a qualified elector of the ward or district in the register of which such name is registered.

Boards to review registration lists, etc.

How names to be entered on register.

proviso.

What name to be entered on register.

SEC. 4. When any person shall apply to the inspectors of any election, excepting special elections for ward officers, who has not been registered by said inspectors, alleging that he was absent during the session of the board of registration of the ward or district, said inspectors shall require such applicant to state on oath, in addition to the statement required by section fourteen of the act "Further to preserve the purity of elections and guard against the abuses of the elective franchise by a registration of electors," approved February fourteenth, eighteen hundred and fifty-nine, that he was absent from the city during said session or that owing to the sickness or bodily infirmity of himself, or some near relative residing in the same household (giving name of such relative), or owing to his absence from the city on public or official business, or on his own business, and without intent to avoid or delay his registration during the last session of the board of registration in the ward or district in which he resides, he has been prevented from causing his name to be previously registered, or that he was not registered in the ward or district of his then residence, during the last session of the board therein, because of his not having resided in such ward or district ten days prior to the conclusion of the session of said board, and that he moved into the said ward or district (stating the time he so moved) and

How electors failing to register at the proper time may be registered.

Board may
employ an
interpreter.

False oaths,
etc., perjury.

Meeting of
board previous
to special
election.

Certain acts not
necessary in
case of special
elections.

has continued since to reside therein with intent to become a resident thereof; and if, furthermore, some qualified elector of the city, and not a candidate for office at the then approaching election, shall take an oath before said board, which oath any member of said board may administer, that he has in fact resided in said ward or district at least ten days prior to said election, and that he has good reasons to believe, and does believe, that all the statements are true. Said board may question such applicant or qualified elector, as they may think proper, in order that they may be satisfied of the truth of such statements. If they shall deem such applicant a qualified elector of such ward or district and entitled to be registered, they shall register the name of the applicant, with the date of registration, and his place of residence, in the register of the ward or district in which he is entitled to vote. Said board may employ an interpreter, in case either said applicant or qualified elector shall be unable to speak the English language, who shall be sworn by one of said board to truly interpret the oath to said applicant and elector, and to interpret to them said questions and the answers made thereto to said board. If such applicant or such qualified elector shall in such manner willfully make any false statement, or if said interpreter shall willfully and falsely mis-state such oath, questions or answers, he shall be deemed guilty of perjury, and on conviction be subject to the pains and penalties thereof.

SEC. 5. Whenever the common council shall order a special election to be held in any of the wards of the city for election of a ward officer, said council by resolution shall direct the controller to notify the board of registration that last held its session in said ward to review and complete the list of qualified electors of said ward, on a day and at a place to be named in said resolution. Notice of the time and place of the session of said board shall be published in a newspaper printed and circulated in said city for at least six days prior to such session. It shall not be necessary to insert in such notice the names of registered electors or post hand-bills containing the same as in case of general or charter elections. The provisions of the aforesaid act and of this act, or so much thereof as may be applicable, shall govern and regulate the action of said board; each member thereof and all other persons in renewing and completing the register of electors at such session, and all persons are hereby made liable to the penalties prescribed therein for any violation of the same at such session as if the same were here enacted. In case there shall be any vacancy in the then board for such ward or district the same shall be filled as herein provided.

TITLE XII.

MISCELLANEOUS PROVISIONS.

Duty of council,
etc., relative to
sureties on
bonds.

SECTION 1. The common council, mayor or other officer whose duty it shall be to judge of the sufficiency of the [proposed] sure-

ties upon any official bond, may require such sureties to make and attach to such bond an affidavit, stating the amount and value of the property over and above debts and exemptions owned within this State by such surety.

SEC. 2. The mayor or chairman of any committee or special committee of the common council, shall have power to administer any oath, or take any affidavit, in respect to any matter pending before the common council or such committee.

Mayor or chairman of committee may administer certain oaths.

SEC. 3. Any person who may be required to take any oath or affirmation under or by virtue of any provision of this act, who shall under such oath or affirmation, in any statement or affidavit or otherwise, willfully swear falsely as to any material fact or matter, shall be guilty of perjury.

False swearing deemed perjury.

SEC. 4. All ordinances, by-laws, regulations and rules of the common council of the city of Saginaw now in force, and not inconsistent with this act, shall remain in force, until altered, amended or repealed by the common council, under this act and after the same shall take effect.

Certain by-laws, etc., to remain in force.

SEC. 5. Proof of the requisite publication of any ordinance, resolution or other proceeding required to be published in any newspaper, by the affidavit of a printer or publisher thereof, taken before any officer authorized to administer oaths and take affidavits, and duly filed with the controller, or any other competent proof, shall in all courts and places be presumptive evidence of the legal publication of such ordinance, resolution or other proceeding.

Presumptive evidence of publication of ordinances, etc.

SEC. 6. The common council shall not grant any special franchises [franchise] for a longer term than thirty years, nor grant exclusive privileges to the use of the streets or public grounds of the city. And the common council shall have power to prescribe the rates of specific taxation for all franchises or privileges granted by the council and the manner of collection of such specific taxes.

Special franchises and specific taxes.

SEC. 7. The common council shall have power, whenever it shall appear that any taxes or assessments have been improperly or illegally made, assessed or collected, by a two-thirds vote of all the members elect, to cause such assessment or tax to be remitted or refunded; but no such action on the part of the council shall in any way affect or invalidate any other tax or assessment assessed, levied or collected in the city.

Remitting and refunding taxes.

SEC. 8. The fiscal year of the city shall commence on the first day of April in each year, and all annual reports required by this act to be made shall include all transactions of said city up to and including the last day of March preceding.

Fiscal year.

SEC. 9. All officers of the city, whether elected or appointed, who may be in office at the passage of this act, shall continue to exercise the duties of their respective offices until the terms for which they were severally elected or appointed shall expire, unless removed from office in manner herein provided.

Certain officers to continue in office.

SEC. 10. No bond, note or other obligation, or evidence of indebtedness shall be given or issued by the city or by any officer thereof in his official capacity, and no indebtedness or obligation

Issue of bonds, obligations, etc., to be governed by this act.

to pay money shall be created against said city except as expressly provided for in this act, but the common council may endorse on all accounts which may be presented against the city, the amount allowed by them thereon.

Punishments to be prescribed by ordinance specifying offense.

SEC. 11. All punishment for offenses against the ordinances of the common council shall be prescribed in the ordinance creating or specifying the offense to be punished, and no penalty or forfeiture shall exceed one hundred dollars; and no imprisonment shall exceed the period of ninety days.

Official paper of city.

SEC. 12. The newspaper published in the city of Saginaw, which shall be designated by the common council to publish the official proceedings of the common council, shall be the official paper of the city during the time in which it shall continue by order of said council to publish such proceedings.

Plats, etc., to be approved by council.

SEC. 13. No plat of lands within the limits of the city, executed as a subdivision thereof or addition to said city, for the purpose of being recorded in the office of the register of deeds, shall be entitled to record without the approval of the common council, and a copy of the resolution containing such approval, certified by the controller under the seal of the city endorsed thereon; a copy of such plat shall also be filed with the controller; and the common council may by ordinance give a name to any street that is not already named, or change the name of any street that is already named; but in all cases where the name of a street as it appears on the recorded plat shall be changed, the controller shall send a certified copy of the ordinance changing the same to the register of deeds of Saginaw county and to the Auditor General of this State, who is hereby authorized to place the same on file in his office, and make a reference to the same and the date and filing of the same on the plat thereof on file in his office.

Copy of plat to be filed with controller, etc.

Council to cause laws, ordinances, etc., to be published.

SEC. 14. The common council shall, as often as they deem expedient, cause all the acts and parts of acts of incorporation of the city that may be in force, including such general laws as they may deem necessary for the use of the mayor, aldermen or other officers thereof, together with all ordinances of said city revised and corrected so as to conform to the provisions of said acts, and properly arranged and indexed, to be published in book form and properly certified to by the controller thereof, and when so compiled and published the same shall be considered the official copy of all said acts and ordinances. Each officer of the city shall be entitled to the use of a copy by virtue of his office, and the council may authorize the sale of copies thereof to reimburse the city for the expense of compiling and publishing the same.

Acts repealed.

SEC. 15. Act number two hundred and twenty-seven of the laws of eighteen hundred and eighty-three, entitled "An act to revise and amend the charter of the city of Saginaw, and to repeal act number four hundred and ninety-six of the laws of eighteen hundred and sixty-seven, entitled an act to amend an act entitled an act to revise and amend the charter of the city of Saginaw," approved February five, eighteen hundred and fifty-nine, approved March sixteen, eighteen hundred and eighty-three, and all acts amenda-

tory thereof, are hereby repealed; but such repeal shall not affect any acts, claim or right secured, created or established, or title to any property acquired, or any suit, proceeding or prosecution, tax, assessment, contract or public improvement had or commenced prior to the time this act takes effect, but every such act, claim, right or proceeding shall remain as valid and effectual as if this act had not taken effect, and every such act or proceeding may be completed, enforced and carried out according to the provisions of the act under which it was commenced, or according to the provisions of this act. All proceedings to raise, assess, levy or collect taxes, either general or special, and now pending, and generally all municipal business of every description, shall be carried forward and completed under the provisions herefor. All property, real, personal and mixed; all causes of action, debts, fines, penalties, forfeitures and generally all rights and powers not inconsistent herewith, which belong or have accrued to the city of Saginaw under the charter of which this is a revision, shall be and the same are hereby declared to be fully retained and vested in the city of Saginaw, to be held subject to the provisions hereof, and may be prosecuted for, recovered and maintained by said city.

Repeal not to
affect estab-
lished rights,
etc.

This act is ordered to take immediate effect.

Approved June 21, 1887.

[No. 530.]

AN ACT to change the name of the village of Sandusky in Sanilac county to Sanilac Centre.

SECTION 1. *The People of the State of Michigan enact*, The name of the village of Sandusky in Sanilac county, Michigan, is hereby changed to Sanilac Centre. The Name changed.

This act is ordered to take immediate effect.

Approved June 21, 1887.

[No. 531.]

AN ACT to amend section one of an act entitled "An act to revise an act to incorporate the city of Bay City," approved March thirty, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act to incorporate the city of Bay City," approved March thirty, eighteen hundred and eighty-one, as amended and revised by the several acts amendatory and revisionary thereof, be and the same is hereby amended so as to read as follows: Section amended.

Territory now
constituting
Bay City.

SECTION 1. All the district of country in the county of Bay and State of Michigan embraced within the limits constituting the present territory of Bay City, and hereinafter particularly described, is hereby constituted and still declared to be a city by the name of Bay City, said district of country being included within the following limits, to wit: Beginning at a point in the middle of the Saginaw river where the section line between sections fourteen and fifteen, in town fourteen north, of range five east, crosses said river; thence southerly on a line between said sections fourteen and fifteen and sections twenty-two and twenty-three to the Nabobish reservation line; thence east about eighty rods along said reservation line to the north and south half quarter line in the west half of section twenty-three; thence south along said half quarter line to the east end of the west section line between sections twenty-three and twenty six; thence west along the said last named section line to the northeast corner of section twenty-seven; thence south along the east line of section twenty-seven, in said township, to a point where the center line of Fifteenth street, extended east, would intersect said section line; thence west along the center line of said Fifteenth street to the north and south quarter line of said section twenty-seven; thence southerly on said quarter lines of said sections twenty-seven and thirty-four to the center of section thirty-four; thence westerly on the quarter line to the west section line of said section thirty-four; thence southerly to the section line between sections thirty-three and thirty-four to the southeast corner of section thirty-three; thence westerly on a line between section thirty-three and section four to the quarter line of said section four in township thirteen north, of range five east; thence southerly on the quarter line through sections four and nine to the center of said section nine; thence westerly on the quarter line through sections nine and eight in said last mentioned town, to the center of the Saginaw river; thence northerly and easterly upon a line passing along the center of said Saginaw river to and through the center of the island in said river, known as the middle ground; and thence to and along the center of said river to the place of beginning: *And be it further provided*, That the territory heretofore described in this section shall continue to constitute the city of Bay City until the first Monday of April in the year of our Lord one thousand eight hundred and ninety-one; and thereupon, by force of this act, there shall be added and annexed to said city of Bay City, as constituted and continued by this section, the following territory, to wit: All the territory then embraced in and constituting the village of Essexville; also the territory then embraced in and known as the city of West Bay City: *Provided also*, That the present city government of the cities of Bay City and West Bay City shall continue and remain in force under the provisions of the present act regulating the same, until the said first Monday of April in the year one thousand eight hundred and ninety-one: *Provided further*, That six months previous to the next session of the Legislature a committee, consisting of three persons from

Proviso as to
additional
territory to be
annexed in 1891.

Proviso as to
government of
Bay City and
West Bay City.

Further
proviso as to
committee to
prepare charter.

the city of Bay City, shall be appointed by the common council of said city, and a committee consisting of three persons from the city of West Bay City shall be appointed by the common council thereof, who shall prepare upon a just and equitable basis, so as to properly protect the rights and interests of all the people residing within the territory to be affected by the consolidation of the same, a charter for said city of Bay City, which said charter shall provide for the re-districting of all said consolidated territory into new wards for the new city hereby created, shall provide for adjusting the financial liabilities of the several municipalities and corporations hereby consolidated, upon a just and equitable basis, and for the formation and creation of a common municipal government, with all the functions, powers and duties usually and commonly unto municipal corporations appertaining, and which may be suitable, requisite and necessary to carry out the purposes of this act, consolidating said territory; and in case of any disagreement of said committee, the questions upon which they disagree shall be submitted to Spencer O. Fisher of West Bay City, who shall act as arbiter, and in case of said Fisher's inability to act, then Theodore F. Shepard of West Bay City shall act as said arbiter, and whose decision shall be binding and conclusive upon said committee as to the provisions in said charter in dispute: *And provided*, That in case one of the said cities shall neglect or refuse to appoint a committee as aforesaid, then the committee appointed by one of said cities shall act and perform all of the duties imposed by this amendment, with said Spencer O. Fisher as aforesaid, who shall then act as one of said committee; and the compensation of said committee shall be audited and allowed by the common council appointing the same. Said committee shall submit said charter, when so prepared and completed, to the next Legislature for its adoption.

Appointment of
arbitrator.

Proviso as to
failure to
appoint
committee.

Charter to be
submitted to
legislature.

This act is ordered to take immediate effect.

Approved June 21, 1887.

[No. 532.]

AN ACT to amend section twenty-two of chapter seven of act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That section twenty-two of chapter seven of act number three hundred and twenty-six, of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

Section
amended.

Power and
compensation
of board of
aldermen.

SEC. 22. The board of aldermen shall be the judges of the election and qualifications of its own members, and shall have the power to determine contested elections to said board; the compensation of members of the said board shall be six hundred dollars each per annum, payable in monthly installments. Said board shall also have power to determine the rule of its proceedings and to pass and enforce all by-laws and rules necessary and convenient for the transaction of business and not inconsistent with the provisions of this act.

This act is ordered to take effect July 1, 1887.

Approved June 21, 1887.

[No. 533.]

AN ACT to incorporate the city of Sault Ste. Marie, and to repeal an act entitled "An act to re-incorporate the village of Sault Ste. Marie," approved May twenty-ninth, eighteen hundred seventy-nine, as amended.

CHAPTER I.

INCORPORATION AND BOUNDARIES.

Village of Sault
Ste. Marie
constituted a
city.

SECTION 1. *The People of the State of Michigan enact*, That the corporation heretofore created and known as the village of Sault Ste. Marie and the inhabitants thereof shall be and are hereby created and constituted a corporation by the name of the city of Sault Ste. Marie, and in that name may sue and be sued, implead and be impleaded, complain and defend in any and all courts of law and equity; may have a common seal and alter it at pleasure, and may take, hold, lease, purchase and convey and dispose of real, personal and mixed estate for the use of said corporation; and shall have, exercise and enjoy such powers of a local, legislative and administrative character as are conferred by this act, and such other implied and incidental powers and rights as are possessed by municipal corporations in this State.

Territory
incorporated.

SEC. 2. The territorial limits of said city shall include so much of the township and village of Sault Ste. Marie, in the county of Chippewa and State of Michigan as is embraced within the following described limits, viz: Commencing at a point of the national boundary line in the St. Mary's river directly opposite and in a line with the south line of fractional section seventeen, town forty-seven north of range one west; thence easterly along the south line of fractional sections sixteen and seventeen and sections fifteen [and], fourteen and thirteen, township forty-seven north, of range one west, and the south line of sections eighteen and seventeen and fractional sections fifteen and sixteen, township forty-seven north, of range one east, and said line extended to a point in the center of the principal or tug channel of the branch

of the St. Mary's river entering into Hay lake ; thence northerly along the center of said channel to the said national boundary line in the main and steamboat channel of the St. Mary's river ; thence along said boundary line in the St. Mary's river westerly until the same reaches the place of beginning, said description embracing fractional sections four, five, six, nine, fifteen and sixteen, and sections seven, eight, seventeen and eighteen of township forty-seven north, of range one east, and fractional sections one, two, nine, ten, eleven, sixteen and seventeen, and sections twelve, thirteen, fourteen and fifteen, township forty-seven north, of range one west, and the islands and bed of the St. Mary's river lying within the limits of said boundaries; and said territory shall be and is hereby set off from the township of Sault Ste. Marie, and shall be subject to the municipal control of said corporation.

SEC. 3. Said city shall for the time being be divided into four wards, viz: One, two, three and four. Division into wards.

One, The first ward shall embrace that portion of said city described as follows, to-wit: Fractional sections seventeen, sixteen, nine, ten, eleven, and one, two, and sections twelve, thirteen, fourteen and fifteen of township forty-seven north, of range one west, and the west half of fractional section six and the west half of sections seven and eighteen, township forty-seven north, of range one east; also, the following described territory: Beginning at a point in the national boundary line in the St. Mary's river opposite to and in a line with the center line of River street; thence southerly to and along the center line of River street to a point opposite to the south line of the land owned by the United States and used for canal purposes; thence easterly along the south line of the United States canal lands to the northwest corner of private claim number seventy-eight; thence northerly along the west lines of private claims number seventy-eight, seventy-nine and eighty-four, extended to the center of Portage avenue; thence northerly along the center of Gurnoe alley (so called) to the center of Ridge street; thence easterly along the center line of Ridge street to a point opposite the center line of Sobraro alley (so called); thence southerly to and along the center line of Sobraro alley (so called) to the center line of Spruce avenue; thence easterly along the center line of Spruce avenue to a point opposite the center line of Elizabeth street; thence southerly along the center line of Elizabeth street to the center line of Peck street; thence westerly along the center line of Peck street to the center line of Pine street, the same being the east line of the west half of fractional section six, town forty-seven north, of range one east; thence northerly along said line to the intersection thereof with the center line of the national boundary line in the St. Mary's river; thence easterly along the said national boundary line to the place of beginning; First ward.

Two, The second ward shall consist of the following described territory: The east half of sections seven and eighteen, township forty-seven north, of range one east; also, that tract bounded as Second ward.

follows: Beginning in the national boundary line at a point opposite and in range with the line of River street; thence to and along the line of said River street to a point opposite the south line of the lands owned by the United States and used for canal purposes; thence westerly along said south line of said United States canal lands to the northwest corner of private claim seventy-eight; thence northerly along the west lines of private claims numbers seventy-eight, seventy-nine and eighty-four, extended to the center of Portage avenue; thence southerly along the center line of Gurnoe alley (so called) to the center line of Ridge street; thence easterly along the center line of Ridge street to a point opposite the center line of Sobraro alley (so called); thence southerly along the center line of Sobraro alley (so called) to the center line of Spruce avenue; thence easterly along the center line of Spruce avenue to a point opposite the center line of Elizabeth street; thence southerly along the center line of Elizabeth street to the center line of Peck street; thence westerly along the center line of Peck street to the center line of Pine street; thence southerly along the center line of Pine street to the intersection thereof with the section line between sections six and seven, township forty-seven north, of range one east; thence easterly along said section line to a point opposite the center line of Bingham avenue; thence northerly along the center line of Bingham avenue to the center line of Portage avenue; thence westerly along the center line of Portage avenue to a point opposite to and in a line with the east line of private claim number forty-one; thence northerly along the east line of private claim number forty-one and said line extended to the national boundary line; thence westerly along the national boundary line to the place of beginning;

Third ward.

Three. The third ward shall consist of the following described lands: The west half of the southwest quarter and the west half of the northwest quarter of sections eight and seventeen, township forty-seven north, of range one east; also the following described lands: Beginning at a point in the national boundary line opposite and in range with the east line of private claim number forty-one; thence southerly to and along the east line of private claim number forty-one to the center line of Portage avenue; thence easterly along the center line of Portage avenue to the center line of Bingham avenue; thence southerly along the center line of Bingham avenue to the center line of Easterday avenue; thence westerly along the center line of Easterday avenue to the center line of Seymour street; thence northerly along the center line of Seymour street to the center line of Spruce avenue; thence easterly along the center line of Spruce avenue to a point opposite to and in a line with the east line of private claim number one hundred and nine; thence northerly along the east line of private claim number one hundred and nine extended to the national boundary line; thence westerly along the national boundary line to the place of beginning;

Four, The fourth ward shall constitute the remaining territory of the city described in section two of this act. Fourth ward.

SEC. 4. An additional ward may be created for every additional two thousand inhabitants up to ten thousand inhabitants, and from ten thousand inhabitants one ward for each additional four thousand inhabitants. Additional wards, how created.

SEC. 5. Whenever the council shall deem it expedient they may by ordinance enacted by a concurring vote of not less than two-thirds of the aldermen in office, re-district the city into wards, divide any ward or change the boundaries thereof, and establish new wards or increase the number of wards in the city within the limit prescribed by the preceding section: *Provided*, That in case of the change of boundary of any ward, other than a division for the creation of a new ward, the rate [vote] of one of the aldermen residing in the ward from which the territory is taken shall be necessary for the making of such change of boundary. Re-districting city into wards.
Proviso.

SEC. 6. Upon the introduction of such ordinance the council shall require the recorder to give notice thereof and of the change proposed thereby in any ward or wards, by publishing such notice in some newspaper published in the city for three weeks before the council shall proceed to the passage of the ordinance. Notice of change of wards.

SEC. 7. All wards which may be established by the council and all changes in the existing wards shall be bounded by streets, alleys, avenues, public grounds, streams of water or corporation lines, and the wards as established or changed shall be composed of adjacent territory and shall be as compact as may be. And in establishing, changing or re-districting the wards it shall be so done as to give the several wards as nearly an equal number of inhabitants as may be practicable. How wards to be bounded and composed.

SEC. 8. No change in the boundary of any ward shall be made within twenty days next preceding an election therein. No election of aldermen or ward officers shall be held in any newly established ward or any ward on account of changes in the boundaries thereof previous to the next annual city election. Nor shall the office of any alderman or other officer elected in any ward be vacated by reason of any change in such ward, but any such alderman or other officer shall during the remainder of his term continue in office and to represent the ward, including the place of his residence at the time of the change of boundaries of the ward, unless the office become vacant for some other cause. When wards may be changed and election of officer therein.

SEC. 9. When by the creation of a new ward two aldermen are to be elected therein at the same time, one of them shall be elected for one year and one for two years, and the term of each shall be designated on the ballots. Election of aldermen in new wards.

SEC. 10. Judicial notice shall be taken in all courts or proceedings in this State of the existence of the city of Sault Ste. Marie as incorporated under this act, and of the change of organization from the village of Sault Ste. Marie, and of the boundaries of all wards and of all changes made at any time in the boundaries of said city. Judicial notice to be taken of this act.

CHAPTER II.

ELECTORS AND REGISTRATION.

ELECTORS.

Who to be electors.

SECTION 1. The inhabitants of the city incorporated under this act, having the qualifications of electors under the constitution of the State, and no others, shall be electors therein.

Where electors may vote.

SEC. 2. Every elector shall vote only in the ward where he shall have resided during the ten days next preceding the day of election. The residence of any elector not being a house-holder shall be deemed to be in the ward in which he boards or takes his regular meals.

REGISTRATION.

Board of registration.

SEC. 3. The aldermen of each ward shall constitute the board of registration therein, except as otherwise provided in this act. If by reason of a change of the boundary of any ward, or the formation of a new ward, or other cause, there shall not be a sufficient number of aldermen representing such ward to constitute a board of registration of two persons, the council shall supply the vacancy, or appoint a board of registration for the ward.

Transfer of names of electors in new ward.

SEC. 4. When changes shall be made in any ward or wards, or a new ward shall be formed in whole or in part from territory of other wards, the boards of registration of the respective wards affected by the changes shall meet previous to the time prescribed by law for giving notice of their session preceding the next election, and the name of each registered elector known to have been transferred by such change from one ward to another ward or to a new ward, shall be copied into the register of the ward to which the transfer was made, and be stricken from the register of the ward from which the elector was transferred by the change.

Registration in new ward.

SEC. 5. When a new ward shall be formed the board of registration thereof, at its session next preceding the next election therein, shall make or complete a new register of the electors residing therein, and for that purpose shall remain in session three days, and notice of the formation of such ward and that a new register of electors will be made at that session, shall be given with the notice required by law to be given of such session of the board.

Registration, when to be made.

SEC. 6. The boards of registration in the city as incorporated under this act, at their session previous to the general election in November in the year one thousand eight hundred and ninety, shall make a re-registration of the qualified electors of their respective wards, in books of the form provided by law. The same rules shall be observed in such re-registration as are provided by law for the registration of electors in cities; and a like re-registration of the electors of each ward shall be made at the

session of the board next preceding the general election every four years thereafter. When such new register of electors shall be made, the former register of electors shall not be used, nor shall any person vote at any election in any ward after such re-registration unless his name shall be registered in such new register. Notice that such re-register is required to be made shall be given with the notice of the meeting or session of the board at which it is to be made.

New register to supersede the old.

• CHAPTER III.

OFFICERS.

SECTION 1. The officers of said city shall be a mayor, one comptroller, who shall be *ex-officio* assessor of the city, one recorder, one treasurer, who shall be *ex-officio* collector, and three justices of the peace, who shall be elected by the qualified voters of the whole city, voting in their respective wards.

City officers.

SEC. 2. In each ward two aldermen and one constable shall be elected.

Ward officers.

SEC. 3. The following officers shall be appointed by the council, viz: a city attorney, city marshal, street commissioner, city surveyor, engineer of fire department, one health officer, one or more fire wardens, one poundmaster, one commissioner of cemeteries, such a police force as may be necessary, and such other officers whose election or appointment is not herein provided for as the council may deem necessary for the execution of the powers granted by this act. The powers and duties of such officers shall be provided by ordinance.

Appointed officers.

SEC. 4. The justice of the peace, whose term of office soonest expires, shall act as police justice of the city, and he shall, in addition to the powers conferred upon him as justice of the peace by the general laws of the State and this act, exercise the powers herein conferred as police justice.

Police justice.

SEC. 5. Appointments to office by the council, excepting appointments to fill vacancies, shall be made on the first Monday of May of each year, but appointments which, for any cause shall not be made on that day, may be made at any subsequent regular meeting of the council.

When appointments to be made.

SEC. 6. The mayor, recorder, treasurer, comptroller and aldermen shall be elected biennially, and shall hold their offices for two years from the second Monday of April of the year when elected, and until their successors are elected and qualified: *Provided*, That at the annual election to be held in said city on the first Monday in April, in the year of our Lord eighteen hundred eighty-eight, the said mayor and treasurer and one alderman from each ward, whose term of office shall be designated on the ballots cast for him, shall be elected to serve for the term of one year and until their successors shall be elected and qualified, and biennially thereafter.

Election and terms of office of certain officers.

Proviso.

Terms of office
of justices.

Proviso as to
election of
justices.

SEC. 7. The justice [justices] of the peace shall hold their office for the full term of three years, and shall enter upon the duties of their office upon the fourth day of July next after their election: *Provided*, That at the annual election to be held in said city on the first Monday of April, in the year of our Lord eighteen hundred eighty-eight, one of the said justices shall be elected and qualified to serve for the term of one year, and one for the term of two years, and one for the term of three years from the fourth day of July following said election, the term of office to be designated on the ballots cast for each respectively: *And provided further*, That said justices elected at said first election shall immediately thereafter qualify and enter upon the duties of their said office [offices]. Annually thereafter there shall be elected a justice of the peace to serve for the term of three years, or until his successor shall be elected and qualified.

Terms of office
of constables.

SEC. 8. The term of office of constables shall be one year from the second Monday in April of the year when elected, and until their successors are elected and qualified.

Terms of office
of appointed
officers.

Proviso.

SEC. 9. The officers appointed by the common council, except officers appointed to fill vacancies in elective officers [offices] shall hold their respective offices until the first Monday of May next after such appointment, and until their successors are qualified, unless a different term of office shall be provided in this act, or in any of the ordinances of said city: *Provided, however*, That the common council may at any time, by a vote of two-thirds of all the aldermen elected, remove any officer appointed by the council except an officer appointed to fill a vacancy in an elective office.

QUALIFICATIONS, OATH, AND BOND OF OFFICE.

Qualification of
officers.

SEC. 10. No person shall be elected or appointed to any office unless he shall be an elector of the city, and if elected or appointed for a ward he must be an elector thereof, and no person shall be elected or appointed to any office in the city who has been or who is a defaulter to the city, or to any board of officers thereof, or to any school district, county or other municipal corporation of the State. All votes for, or any appointment of, such defaulter shall be void.

Oath of office.

SEC. 11. Justices of the peace elected in said city shall take and file an oath of office with the clerk of the county of Chippewa, in which the city is located, within the same time and in the same manner as in cases of justices of the peace elected in townships. All other officers elected or appointed in the city shall, within ten days after receiving notice of their election or appointment, take and subscribe the oath of office prescribed by the constitution of the State, and file the same with the recorder of the city.

Bond of
justices.

SEC. 12. Every justice of the peace, within the time limited for filing his official oath, shall file with the county clerk mentioned in the preceding section the security for the performance of the duties of his office required by law in case [cases] of justices of the peace elected in townships, except that said official bond or security may

be executed in presence of, and be approved by, the mayor. And in case he should enter upon the execution of the duties of his office before having filed his official oath and bond or security, and such other bond or security to the city as may be required by law or by any ordinance or resolution of the council, he shall be liable to the same penalties as are provided in cases of justices of the peace elected in townships. And every officer elected or appointed in the city, before entering upon the duties of his office and within the time prescribed for filing his official oath, shall file with the recorder such bond or security as may be required by law, or by any ordinance or requirement of the council, and with such sureties as shall be approved by the council for the due performance of the duties of his office, except that the bond or security of the recorder shall be deposited with the city treasurer.

SEC. 13. The council, or the mayor, or other officer whose duty it shall be to judge of the sufficiency of the proposed sureties of any officer or person of whom a bond or any security may be required by this act, or by any ordinance or direction of the council, shall inquire into the sufficiency of such sureties, and may examine them under oath as to their property. Such oath may be administered by the mayor, or any alderman or other person authorized to administer oaths. The examination of any such surety shall be reduced to writing and signed by him, and annexed to and filed with the bond or instrument to which it relates. Sureties on bonds.

SEC. 14. The council may also at any time require any officer, whether elected or appointed, to execute and file with the recorder of the city new official bonds in the same, or in such further sums, and with new or such further sureties as said council may deem requisite for the security of said corporation; and failure to comply with such requirement shall subject the officer to immediate removal by the council. New bonds may be required.

VACANCIES IN OFFICE.

SEC. 15. Resignations of officers shall be made in writing to the council subject to their approval and acceptance. Registration, how made.

SEC. 16. If any officer shall cease to be a resident of the city, or if elected in and for a ward shall remove therefrom during his term of office, the office shall thereby be vacated. If any officer shall be a defaulter the office shall thereby be vacated. When office deemed vacant.

SEC. 17. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office within the time herein limited therefor, the council may declare the office vacant, unless previous thereto he shall file the oath and give the requisite bond or security. When may be declared vacant.

SEC. 18. In case of the death, removal from office, neglect to qualify, removal from the city or ward for which he has been elected, or permanent disability to perform the duties of his office of any officer holding by election, except judicial officers, the council shall appoint some person eligible under this act to serve in Filling vacancies.

such office until the next annual election and his successor is elected and qualified, and at such annual election the vacancy shall be filled for the residue of the official term. They may also fill any vacancies in offices held by appointment under this act. In case of a vacancy in the office of police justice caused by resignation, removals [removal], death or otherwise, the justice of the peace whose term of office next expires shall succeed to said office until the council shall appoint a successor to the justice of the peace who had been acting as police justice.

Registration,
etc., not to
affect liability
of sureties.

SEC. 19. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them on any official bond given by said officer.

Officers to
deliver books,
etc., to suc-
cessor.

SEC. 20. Whenever an officer shall resign or be removed from office, or the term for which he has been elected or appointed shall expire, he shall, on demand, deliver over to his successor in office all the books, papers, money and documents in his custody as city officer and in any way pertaining to his office, and every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for a like offense under the general laws of this State now and hereafter in force and applicable thereto. And every officer appointed or elected under this act shall be deemed an officer within the meaning of the provisions of such general laws of the State.

CHAPTER IV.

ELECTIONS.

Annual election. SECTION 1. An annual city election shall be held on the first Monday in April in each year, at such place in each of the several wards of the city as the council shall designate.

Special election. SEC. 2. Special elections may be appointed by resolution of the council and held in and for the city or in and for any ward thereof, at such time and place or places as the council may designate, the purpose and object of which shall be fully set forth in the resolution appointing such election.

Notice to
inspectors of
special
election.

SEC. 3. Whenever a special election is to be held, the council shall cause to be delivered to the inspectors of election in the ward or wards where the same is to be held, a notice signed by the recorder, specifying the officer or officers to be chosen and the question or proposition, if any, to be submitted to the vote of the electors and the day and place at which such election is to be held, and the proceedings and manner of holding the election shall be the same as at the annual elections.

Notice of
election to be
posted.

SEC. 4. Notice of the time and place or places of holding any election, and of the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the recorder, at least eight days before such election, by posting such notices in three public places in each ward in which the

election is to be held, and by publishing a copy thereof in a newspaper published in the city the same length of time before the election; and in case of a special election the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election.

SEC. 5. The council shall provide and cause to be kept by the recorder, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships. Ballot-boxes.

SEC. 6. On the day of elections held by virtue of this act, the polls shall be opened in each ward at the several places designated by the council at eight o'clock in the morning, and shall be kept open until five o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamation to be made of the opening and closing of the polls. Time of opening and closing polls.

SEC. 7. The two aldermen of each ward and an elector therein, to be designated by the council, shall, except as in this act otherwise provided, constitute the board of inspectors of election. If by reason of the formation of new wards or by a change in the boundaries of existing wards, or for any reason there shall not be a sufficient number of the officers last named to make a board of three inspectors, it shall be the duty of the council, at least one week before the election, to appoint a sufficient number of inspectors, who, with the officers above named, if any, residing in the ward, shall constitute a board of three inspectors for the ward, and if at any election any of the inspectors above provided for shall not be present or remain in attendance, the electors present may choose *viva voce* such number of such electors, as, with the inspector or inspectors present shall constitute a board of three in number, and such electors so chosen shall be inspectors of (at) that election. Board of inspectors.

SEC. 8. The inspectors shall choose one of their number chairman of the board, and the others shall be clerks of election, or, when necessary, the board may appoint two other persons to be clerks of election, and the persons so appointed, and each person chosen or appointed as inspectors [inspector] of election, shall take the constitutional oath of office, which oath either of the inspectors may administer. Filling vacancies in board.

SEC. 9. The inspectors of election, as specified in the last two sections, shall be inspectors of State, county and district elections in their respective wards. Chairman and clerks of board.

SEC. 10. All elections held under the provisions of this act shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in the State, except as herein otherwise provided; and the inspectors of such elections shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands, during the time of holding the election and the canvass of the vote (votes), as are conferred by law upon inspectors of general elections held in this State. Board to be inspectors of all elections.

SEC. 11. The electors shall vote by ballot, and the same ballot How elections conducted.

Vote to be by ballot. shall contain the names of persons designated as officers for the city and as officers for the ward. The ballots cast upon any question or proposition submitted to be voted upon shall be separate and shall be deposited in a separate box.

Term of office to be designated on certain ballots. SEC. 12. If at any election vacancies are to be supplied in any office, or if any person is to be elected for less than the full term of the office, the term for which any person is voted to fill the same shall be designated on the ballot.

Duty of inspectors on receiving ballots. SEC. 13. It shall be the duty of the inspectors on receiving the vote, as specified in the last two sections, to cause the same, without being opened or inspected, to be deposited in the proper box provided for that purpose. The board shall also write or cause to be written the name of each elector voting at such elections in two poll lists, to be kept by said inspectors of elections or under their direction, and such lists shall be so kept as to show the number and names of the electors voting upon any question or proposition submitted to the vote of the electors.

Canvass and statement of votes. SEC. 14. Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by them and declare the result; and shall on the same day, or on the next day, make a statement in writing, setting forth in words at full length the whole number of votes given for each officer [office], the names of persons for whom such votes for each office were given, and the number of votes so given for each person, and the whole number of votes given upon each question voted upon, and the number of votes given for and against the same, which statement shall be certified under the hands of the inspectors to be correct; and they shall deposit such statement and certificate upon the day of election, or on the next day, together with said poll-lists and the register of electors and the boxes containing said ballots, in the office of the recorder.

Manner of canvassing votes. SEC. 15. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at the general elections held in this State, and the inspectors shall, in all other respects, except as herein otherwise provided, conform, as nearly as may be, to the duties required of inspectors of election as [at] such general elections.

Council to determine result and recorder to make certificates. SEC. 16. The council shall convene on Thursday next succeeding each election at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively, and thereupon the recorder shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the county clerk in the county of Chippewa, and the other shall be filed in the office of the recorder.

Who deemed elected. SEC. 17. The person receiving the greatest number of votes for any office in the city or ward shall be deemed to be duly

electd to such office; and if there shall be no choice for any office, by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

SEC. 18. It shall be the duty of the recorder within five days after the meeting and determination of the council, as provided in section sixteen, to notify each person elected, in writing, of his election; and he shall also within five days after the council shall appoint any person to any office, in like manner, notify such person of such appointment.

Recorder to notify persons elected or appointed.

SEC. 19. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the recorder shall report in writing to the council the names of the persons elected or appointed to any office, who shall have neglected to file such oath and the requisite bond or security for the performance of the duties of the office.

Recorder to report officers neglecting to file oath, etc.

CHAPTER V.

DUTIES AND COMPENSATION OF OFFICERS.

THE MAYOR.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, and shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise over the several departments of the city government general supervision, and see that all officers of said city discharge their official duties, and that the laws relating to the city and the ordinances and regulations to [of] the council are enforced. He shall also countersign all orders and warrants drawn on the city treasurer.

Powers and duties of mayor.

SEC. 2. The mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder; and shall have authority to command the assistance of all citizens to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct. The mayor shall also be a member of the board of supervisors of Chippewa county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to other members of said board, to be paid in the same manner. The mayor may remove any officer appointed by him at any time, and may suspend any policeman for neglect of duty.

Mayor to be a conservator of the peace.

To be member of board of supervisors of Chippewa county. May remove certain officers.

SEC. 3. He shall have authority at all times to inspect and examine the books, records and papers of any agent, employé or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the city.

Has power to examine books, etc.

SEC. 4. In the absence or disability of the mayor or of any vacancy in his office, the president *pro tempore* of the council shall perform the duties of mayor.

In his absence the president *pro tem* to act.

ALDERMEN.

Powers and
duties of
aldermen.

SEC. 5. The aldermen of the city shall be members of the council, and attend the meetings thereof, and act upon committees when thereunto appointed by the mayor or council; may order the arrest of all persons violating the laws of the State, or the ordinances, by-laws, or police regulations of the city; shall report to the mayor all subordinate officers who are guilty of any official misconduct or neglect of duty, and shall perform such duties as may be required of them by law and the rules governing said council. As conservators of the peace, they shall aid in maintaining quiet and good order in the city, and in securing the faithful performance of duty by all officers of the city. No alderman shall be elected or appointed to any other office in the city during the term for which he was elected as alderman, and no alderman shall be allowed to vote on any question in which he has a direct personal interest, but upon all other questions he shall vote.

To be conserva-
tors of the
peace.

One in each
ward to be
supervisor.

SEC. 6. The alderman of each ward whose term of office soonest expires shall, by virtue of his office and that fact, be supervisor, and shall have and exercise within his ward all the powers, authorities and functions of supervisors of townships as now provided or may hereafter be provided, except as in this act otherwise provided, and with the mayor, recorder and comptroller of said city shall be members of the board of supervisors of Chippewa county, and shall have all the rights, privileges and powers of the several members of said board, and shall be entitled to the same compensation as other members of the board, to be paid in the same manner.

RECORDER.

Duties of
recorder.

SEC. 7. The recorder shall keep the corporate seal, and all the documents, official bonds and papers, files and records of the city not by this act entrusted to some other officer; he shall be clerk of the common council, shall attend its meetings, and shall make and preserve a record of all its ordinances, resolutions and proceedings in proper books to be provided therefor, and shall sign and register all licenses granted; he shall, when required, make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, for which services, except when rendered for the city, he may demand and collect such fees as may be allowed by the council, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city, and he shall have authority to administer oaths and affirmations. The recorder shall also be a member of the board of supervisors of Chippewa county, and shall be entitled to the same compensation for attending said board of supervisors as is allowed by law to other members of said board to be paid in the same manner. The recorder shall be entitled to a fee of fifty cents for each and every license issued by him, to be paid by the person obtaining the same.

To exercise
power of
township clerk.

To be a member
of board of
supervisors of
Chippewa
county.

Fees.

SEC. 8. He shall draw his warrant upon the treasurer for the payment of all claims allowed and ordered paid by the common council, which warrants shall be countersigned by the mayor, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted.

To draw warrants in payment of claims, etc.

SEC. 9. When any tax or money shall be levied, raised or appropriated, the recorder shall report the amount thereof to the city treasurer and comptroller, stating the objects and funds for which it is levied, raised or appropriated, and the amounts thereof to be credited to each fund. The recorder shall perform such further duties as may be required of him by the common council. The recorder may appoint a deputy, for whose acts he shall be responsible, but without cost to the city for the services of such deputy.

To report amount of tax levied, etc.

May appoint deputy.

COMPTROLLER.

SEC. 10. The comptroller shall perform such duties in relation to the finances, accounts and other matters of the city as are provided in this act and shall be prescribed by the ordinances of the city. He shall, in addition to his other duties, be the assessor of said city, and as such shall have and exercise within the city all the powers and duties and authority of supervisors of townships as provided by the laws of this State, except as in this act otherwise provided. He shall be the general accountant of the city, and all claims against the corporation must be filed with him for adjustment; and after examination thereof he shall report the same, with all accompanying vouchers and counter claims of the city, and the true balance as found by him, to the council for allowance. He shall exercise a general supervision over all officers charged in any manner with the receipts [receipt], collection and disbursement of the city revenues, and all the property and assets of the city. He shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised. He shall also keep an account with the treasurer, in which he shall charge him with all moneys received for each of the several funds of the city, and credit him monthly with all warrants drawn thereon during the month; and when any fund is exhausted he shall immediately advise the council thereof. He shall be authorized to administer oaths and take affidavits.

Duty of comptroller.

To be assessor and general accountant.

To exercise supervision over revenues and finances.

SEC. 11. The comptroller shall report to the council whenever required a detailed statement of the receipts, expenditures and financial condition of the city, of the debts to be paid and moneys required to meet the estimated expenses of the corporation.

To report receipts, etc., to council.

SEC. 12. The comptroller shall also be a member of the board of supervisors of Chippewa county, and shall be entitled to the same compensation for attending said board of supervisors as is

To be member of board of supervisors of Chippewa county.

allowed by law to other members of the board, to be paid in the same manner.

CITY TREASURER.

Duty of city treasurer.

To receive all moneys, etc.

How to pay them out.

To keep account of moneys, etc.

To render monthly statements.

To make annual exhibit.

To take receipts and file vouchers.

Prohibited from using corporation funds, etc.

SEC. 13. The city treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all the receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the recorder and countersigned by the mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the recorder. He shall further perform all duties relative to the levying and collection of taxes required by the general laws of the State.

SEC. 14. The treasurer shall render to the comptroller on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report. He shall also exhibit to the council annually on the third Monday in March, and as often and for such period as the council shall require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balances remaining in each fund; which account shall be filed in the office of the comptroller, and shall be published in one of the newspapers in the city.

SEC. 15. Said treasurer shall take receipts for all moneys paid from the treasury, showing the amount and fund from which payment was made and the voucher or warrant upon which it was paid, and file the same with the comptroller with his monthly report.

SEC. 16. The city treasurer shall keep all moneys in his hands belonging to the city separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidence of debt in his custody or keeping, for his own use or benefit or that of any other person; any violation of this section shall subject him to immediate removal from office by the city council, who are hereby authorized to declare the office vacant and to appoint his successor for the remainder of his term.

CITY MARSHAL.

SEC. 17. The city marshal shall be the chief of police of the city. As police officer he shall be subject to the direction of the mayor. It shall be his duty to see that all ordinances of and regulations of the council made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the city, are promptly enforced. As peace officer he shall be vested with all the powers conferred upon sheriffs for the preservation of quiet and good order. He shall serve and execute all process directed or delivered to him in all proceedings for any offense against the laws of the State, or for violations of the ordinances of the city. Such process may be served anywhere within the State.

Marshal to be
chief of police.

Vested with
certain powers.

SEC. 18. He shall suppress all riots, disturbances and breaches of the peace, and for that purpose may command the aid of the citizens in the performance of such duty. He shall arrest all disorderly persons in the corporation, and pursue and arrest any person fleeing from justice in any part of the State. He shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the city, and forthwith take such person before the proper magistrate or court for examination or trial, and may arrest or imprison persons found drunk in the streets until they shall become sober.

To suppress
riots, etc.

To arrest
certain persons
without
process.

SEC. 19. The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him and the policemen of the city, and the cause thereof, and all persons discharged from arrest during the month, also the number remaining in confinement for breaches of the ordinances of the city; the amount of all fines and fees collected by him. All moneys received or collected by the marshal, unless otherwise directed by this act, shall be paid into the city treasury during the same month when received, and the treasurer's receipt therefor filed with the comptroller.

To make
monthly
report.

Disposition of
moneys
collected by.

SEC. 20. The city marshal may collect and receive the same fees collected for services performed by him as are allowed to constables for like services; but in no case shall fees be charged to or be paid by the city. The marshal shall have the same power to serve and execute criminal process as sheriffs or constables have by law to execute similar process: *Provided*, That in no case shall he serve civil process.

Fees.

Power to
execute
process.

CITY ATTORNEY.

SEC. 21. The city attorney, in addition to the other duties prescribed in this act, shall be the legal adviser of the council and of all officers of the city, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and draw up all contracts in behalf of the city, and he shall prosecute for offenses on behalf of the city.

Attorney to be
legal adviser of
council, etc.

CITY SURVEYOR.

Powers and
duties of
surveyor.

SEC. 22. The city surveyor shall have and exercise within the city the like powers and duties as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the council or officers of the city, relating to the public improvements, buildings, grounds and streets of the city.

STREET COMMISSIONER.

Duty of street
commissioner.

SEC. 23. It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs and improvements upon the highways, streets, alleys, sidewalks, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the city as the council shall direct to be done by or under his supervision, and to oversee and do whatever may be required of him in relation thereto by the council.

To make
monthly
reports.

SEC. 24. He shall make a report to the council in writing, and on oath, once in each month, giving an exact statement of all labor performed by him, or under his supervision, and the charges therefor, the amount of material used and the expense thereof, and the street or place where such material was used or labor performed; and further showing the items and purposes of all expenses incurred since his last preceding report, and no payment for labor or services performed or for expenses incurred by him shall be made until reported on oath as aforesaid.

CONSTABLES.

Powers and
authority of
constables.

SEC. 25. The constables of the city shall have the like powers and authority in matters of civil and criminal nature, and in relation to the services of all manner of criminal process as are conferred by law upon constables in townships, and shall receive the like fees for their services. They shall have power also to serve all process issued for breaches of the ordinances of the city.

To obey orders
of mayor,
aldermen, etc.

SEC. 26. The constables of the city shall obey all lawful orders of the mayor, aldermen and chief of police and of any court or justice of the peace exercising jurisdiction in causes for breaches of the ordinances of the city, and shall discharge all duties required of them by any ordinance, resolution or regulation of the council, and for any neglect or refusal to perform any duty required of him every constable shall be subject to a penalty of not less than five nor more than fifty dollars. Every constable, before entering upon the duties of his office, shall give such security for the performance of the duties of his office as is required of constables in townships, or as may be required by the council, and file the same with the recorder.

Penalty for
neglect of duty.

JUSTICES OF THE PEACE.

SEC. 27. The justices of the peace of the city, except as herein provided, shall have and exercise therein and within the county, the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, as far as occasion may require, as are or may be conferred upon or required of justices of the peace by the general laws of the State; and the proceedings in all suits and actions before said justices, and in the exercise of the powers and duties conferred upon and required of them shall, except as otherwise provided in this act, be according to, and be governed by, the general laws applicable to courts of justice [justices] of the peace and to the proceedings before such officers.

Justices of the peace, jurisdiction of, etc.

SEC. 28. In the absence of the police justice, or if for any reason he shall be disqualified from hearing any case, or performing any duty of his office, the same may be heard or performed by any of the remaining justices of the peace of the city, who in all respects shall be governed by the provisions of this act relative to police justices.

May perform duties of police justice.

SEC. 29. Every justice of the peace shall account on oath to the council, at their first meeting in each month, for all such moneys, wares and property seized as stolen property, as shall then remain in his office, and shall make such disposition thereof as shall be prescribed by the ordinances of the city.

To render monthly accounts to council.

SEC. 30. All fines recovered for the violation of the penal laws of the State, when collected, shall be paid over to the county treasurer, to be disposed of as provided by law.

Disposition of fines collected by.

SEC. 31. Any justice of the peace who shall be guilty of misconduct in office, or who shall willfully neglect or refuse to perform or discharge any of the duties of his office required by this act, shall be deemed guilty of a misdemeanor, and punished accordingly, and may be suspended from office by the council during its pleasure.

Punishment of, for misconduct, etc.

POLICE JUSTICE.

SEC. 32. The police justice, in addition to his general powers as justice of the peace, he having like jurisdiction in all civil and criminal matters, and being governed by the same provisions provided for justices of the peace in this act, shall have exclusive jurisdiction, except as herein provided, to hear, try and determine all actions and prosecutions for the recovery or enforcing of fines, penalties and forfeitures for violations of this act, and for encroachments upon and injuries to any of the streets, alleys and public grounds within the city, except in cases where jurisdiction is given to some other court, and to hear, try and determine all suits and prosecutions for the recovery or enforcing of fines, penalties as [and] forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances as in the ordinances prescribed and directed, subject only to the limitations prescribed in this act.

Police justice, jurisdiction of.

Proceedings
in actions
before police
justices.

SEC. 33. The proceedings in all suits and actions before said police justice, and in the exercise of the powers and duties conferred upon and required of him shall, except as otherwise provided in this act, be in conformity as near as may be with the mode of procedure in criminal cases cognizable by justices of the peace, and in all such cases the defendant shall have the right of appeal to the circuit court on the same terms as is or may be required by law in appeals from justice courts in criminal cases.

What to enter
in his docket.

SEC. 34. The police justice shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein, and also the amounts and date of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by him at all times to the examination of any person desiring to examine the same, and shall be produced by him to the council whenever required.

Docket subject
to examination.

May transfer
suits.

SEC. 35. The police justice may, by an order in writing, with notice to the parties, transfer any cause of suit pending before him to any justice of the peace of said city, who shall thereupon have power to proceed in said cause in all respects as the police justice could have done under this act.

Disposition of
fines collected
by.

SEC. 36. All fines, penalties and forfeitures collected or received by him for or on account of violations of any ordinances of the city, shall be paid over by him to the city treasurer on or before the first Monday of the month next after the collection or receipt thereof, and he shall take the receipt of the city treasurer therefor and file the same with the city comptroller.

To make
monthly
reports to
council.

SEC. 37. The police justice shall report, on oath, to the council, at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced or judgment rendered for any of the fines, penalties or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, and the amount thereof paid to the city treasurer since the last preceding report.

Expenses of
prosecutions
before, how
paid.

SEC. 38. The expenses of prosecutions before said police justices for violations of city ordinances and in punishing the offenders, shall be paid by the city in all cases where the defendant is discharged for any reason, or acquitted on trial or examination.

To give addi-
tional bond to
city.

SEC. 39. Such police justices, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the city in a penalty of one thousand dollars, with sufficient sureties, to be approved by the mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of police justice within and for the city.

SEC. 40. A police justice who shall be guilty of misconduct in office, or who shall willfully neglect to perform or discharge any of the duties of his office required by this act, or any of the ordinances of the city, shall be deemed guilty of a misdemeanor and punishable accordingly, and may be suspended from office by the council during its pleasure. Punishment of, for misconduct, etc.

SEC. 41. In addition to the rights, powers, duties and liabilities of officers prescribed in this act, all officers, whether elected or appointed, shall have such other rights, powers, duties and liabilities, subject to and consistent with this act, as the council shall deem expedient and prescribe by ordinance or resolution. Additional rights, powers, etc., of all officers.

SEC. 42. The mayor and aldermen of the city shall receive, as full compensation for the performance of all the duties of their respective offices, the sum of one dollar for each meeting of the common council, at which they shall respectively be in attendance: *Provided, however,* That the number of meetings in any one year, for which pay shall be drawn, shall not exceed fifty-two: *Provided, however,* That for services rendered as members of the board of supervisors of Chippewa county they shall receive the same compensation as other members of the board, to be paid in the same manner: *Provided further,* That they may receive in addition such compensation as the council may allow them for services on the board of registration, and as inspectors of election and on the board of review. The recorder, treasurer, justice of the peace, constables and marshal shall receive such fees as are provided for in this act and by the general laws of the State; but in addition thereto the recorder, treasurer, police justice and marshal, and all other officers, elective or appointive, shall receive such salaries as shall be fixed by the common council of said city at the first regular meeting in the month of March prior to the commencement of the term of such officers. Compensation of mayor and aldermen. Proviso. Proviso. Further proviso. Compensation of other officers.

SEC. 43. The salary or rate of compensation of any officer elected or appointed by authority of this act shall not be increased or diminished during his term of office, and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased by the council. Rate of compensation shall not be changed during term of office.

CHAPTER VI.

THE COMMON COUNCIL.

SECTION 1. The legislative authority of the city shall be vested in a council consisting of the mayor, two aldermen elected from each ward, and the city recorder. Common council, who to constitute.

SEC. 2. The mayor shall be president of the common council and preside at the meetings thereof, but shall have no vote therein, except in case of a tie, when he shall have the casting vote. Mayor to be president of.

President *pro tem* of, appointment, powers and duty of.

SEC. 3. On the first Monday in May in each year the council shall appoint one of their number president *pro tempore* of the council, who, in the absence of the mayor, shall preside at the meetings thereof, and exercise the powers and duties of the president. He shall have a vote upon all questions. In the absence of the president and the president *pro tem.*, the council shall appoint one of their number to preside, and for the time being he shall exercise the powers and duties of the president *pro tem.*

Recorder to be clerk of council.

SEC. 4. The recorder shall be clerk of the council, but shall have no vote therein. He shall keep a full record of all proceedings of the council and perform such other duties relating to his office as the council may direct. In the absence of the recorder the council shall appoint one of their number to perform the duties of his office for the time being. The aldermen, each of whom shall be entitled to a vote in all the proceedings of the council, are required to attend all the meetings and sessions thereof, and to serve upon committees whenever appointed thereon.

Aldermen to attend all meetings, etc.

Council to be judge of qualifications of its members.

SEC. 5. The council shall be judge of election returns and qualifications of its own members. It shall hold regular stated meetings for the transaction of business at such times and places within the city as it shall prescribe, not less than two of which shall be held in each month. The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing shall be given to each alderman, or be left at his place of residence, at least twelve hours before the meeting.

Special meetings of.

Meetings to be public.

SEC. 6. All meetings and sessions of the council shall be held in public. A majority of the aldermen shall make a quorum for the transaction of business. A less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no office shall be created or abolished, nor any tax or assessment be imposed, streets [street], alley or public ground be vacated, real estate or any interest therein sold or disposed of, or private property be taken for public use unless by a concurring vote of two-thirds of all the aldermen elect; nor shall any vote of the council be reconsidered or rescinded unless there be present as many aldermen as were present when the vote was taken. No money shall be appropriated except by ordinance or resolution of the council passed or adopted by a vote of at least a majority of all the aldermen elected to office.

When concurring vote of two-thirds necessary.

Money, how appropriated.

Council to prescribe rules, etc.

SEC. 7. The council shall prescribe the rules of its own proceedings and keep a record or journal thereof. All votes shall be taken by yeas and nays, and be so entered upon the journal as to show the names of those voting in the affirmative and those in the negative, and within ten days after any meeting of the council all the proceedings and votes taken thereat shall be published in one or more newspapers of the city.

To publish proceedings.

May compel attendance of members, etc.

SEC. 8. The council may compel the attendance of its members and other officers of the city at its meetings in such manner, and may enforce such fines for non-attendance as may by

ordinance be prescribed; and may by ordinance prescribe punishment for any misbehavior, contemptuous or disorderly conduct by any member or any person present at any session of the council.

SEC. 9. The comptroller, city attorney, street commissioner, city surveyor and engineer of the fire department, shall have seats in the council, and may take part in all its proceedings and deliberations on all subjects relating to their respective departments, subject to such rules as the council shall from time to time prescribe, but without the right to vote. Said officers may be required to attend the meetings of the council in the same manner as members.

Certain officers to have seats in council, etc.

SEC. 10. The council shall have control of the finances, of all the property, real and personal, of the city corporation, except as may be otherwise provided by law. Whenever by this act, or any other provisions of law, any power or authority is vested in, or duty imposed upon, the corporation or council, the council may enact such appropriate ordinances as may be necessary for the execution and exercise of such power and authority, and to regulate the performance of such duty.

Council to have control of city property.

May enact ordinances, etc.

SEC. 11. The council may provide by ordinance for the appointment of standing committees of its members, who shall perform such duties, investigate, have charge of and report upon such matters as may be properly referred to them. Such committees shall be appointed by the mayor.

May provide for committee.

SEC. 12. The council shall cause all the records of the corporation and of all the proceedings of the council and all books, documents, reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the city or to the official acts of any officer of the corporation (unless required by law to be kept elsewhere), to be deposited and kept in the office of the recorder, and to be so arranged, filed and kept as to be convenient of access and inspection. And all such records, books and papers shall be subject to inspection by any inhabitants of the city or other person interested therein at all seasonable times, except such parts thereof as in the opinion of the council it may be necessary for the furtherance of justice to withhold for the time being. Any person who shall secrete, injure, deface, alter or destroy such books, records, documents or papers, or expose the same to loss or destruction with intent to prevent the contents or true meaning or import of any thereof from being known, shall, on conviction thereof, be punished by imprisonment in the State prison not longer than one year, or by fine not exceeding one thousand dollars, or by both such fine and imprisonment in the discretion of the court.

Books, papers, etc., to be kept in office of recorder.

Books, etc., subject to inspection.

Punishment for injury, etc., to books, etc.

SEC. 13. No member of the council or any officer of the corporation shall be interested directly or indirectly in the profits of any contract, job, work or any services other than official services to be performed for the corporation.

City officers not to be interested in contracts, etc.

SEC. 14. Any member of the council or officer of the city herein specified, offending against the provisions of section fifteen, shall, upon conviction thereof, be fined not less than five hundred

Penalty for violation of provisions of section 15.

Removal of
officers from
office.

nor more than one thousand dollars, or be imprisoned in the county jail not less than one year nor (or) more than six months or both, in the discretion of the court, and shall forfeit his office.

SEC. 15. Any person appointed to office by the council by authority of this act may be removed therefrom by a vote of two-thirds of the aldermen elect, and the council may expel any alderman or remove from office any person elected thereto by a concurring vote of two-thirds of all the aldermen elect. In case of elective officers provision shall be made by ordinance for preferring charges and trying the same, and no removal of an elective officer shall be made unless a charge in writing is preferred and an opportunity given to make a defense thereto.

Who to issue
process to
compel attend-
ance of
witnesses in
investigations.

SEC. 16. To enable the council to investigate charges against any officer, or such other matters as they may deem proper to investigate, the mayor or any justice of the peace of the city is empowered, at the request of the council, to issue subpoenas or process by warrant to compel the attendance of persons and the production of books and papers before the council, or any committee thereof.

Who may ad-
minister oaths
in case of
investigation.

SEC. 17. Whenever the council, or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before them, the presiding officer of the council or chairman of such committee for the time being shall have power to administer the necessary oaths; and such council or committee shall have the same power to compel the witness to testify as is conferred on courts of justices of the peace.

Accounts, how
audited.

SEC. 18. The council shall audit and allow all accounts chargeable against the city, but no account or claim or contract shall be received for audit or allowance unless it shall be accompanied with an affidavit of the person rendering it, to the effect that he verily believes that the services or property therein charged have been actually performed or delivered for the city, that the sums charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists nor payment has been made no [on] account thereof, except such as are endorsed or referred to in such account or claim; and every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court, to any action or proceeding for the collection of any demand or claim against the city, that it has never been presented, verified as aforesaid, to the council for allowance; or that the claim was presented without the affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon it.

Defense in
action against
city for
accounts.

CHAPTER VII.

ORDINANCES.

SECTION 1. The style of all ordinances shall be, "The city of

Sault Ste. Marie ordains." All ordinances shall require, for their passage, the concurrence of a majority of all the aldermen elected. The time when any ordinance shall take effect shall be prescribed therein. Such time, when the ordinance imposes a penalty, shall not be less than twenty days from the date of its passage.

Ordinance, style and passage of, etc.

SEC. 2. When, by the provisions of this act, the council of the city has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures, not exceeding five hundred dollars (unless a greater fine or penalty is herein authorized), or imprisonment not exceeding six months, or both, in the discretion of the court, together with costs of prosecution, for each violation of any of said ordinances, and may provide that the offender, on failing to pay any such fine, penalty or forfeiture and the costs of prosecution within a limited time to be expressed in the sentence, may be imprisoned for any term not exceeding six months, unless payment thereof be sooner made; and may direct such imprisonment to be in the city prison or the county jail of the county within which the city is located, or in such other prison or place of confinement in the State as the council may prescribe, and that the offender be kept at labor during such imprisonment. Such fine, penalty, forfeiture and imprisonment for the violation of any ordinance shall be prescribed therein.

Council may prescribe fines, etc.

SEC. 3. On the same day, or on the next day after the passage of any ordinance, the recorder of the council shall present the same to the mayor, or other person performing the duties of mayor, for his approval. No ordinance shall be of any force without the written approval of the mayor, or other person performing for the time being the duties of his office, unless he omit to return it to the recorder, with his objections thereto, within three days after its presentation to him, in which case it shall be deemed regularly enacted. If, after the return of the ordinance with the objections thereto, as aforesaid, the same shall be passed or re-enacted by a vote of two-thirds of all the aldermen elected, the ordinance shall be deemed regularly enacted, and the time of its re-enactment shall be deemed to be the time of its passage by such two-thirds vote.

Approval of ordinance.

SEC. 4. At the time of presenting any ordinance to the mayor for his approval, the recorder shall certify thereon, and also in the journal or record of the proceedings of the council, the time when the same was so presented, and shall also certify thereon, and in such journal or record, the time of the return of such ordinance and whether approved or with objections, and shall at the next meeting of the council report any ordinance returned with the objections thereto.

Recorder to certify to time of presenting ordinances for approval.

SEC. 5. No ordinance shall be revived unless the whole, or so much as is intended to be revived, shall be re-enacted. When any section of an ordinance is amended the whole section as amended shall be re-enacted.

Amendment of ordinances.

SEC. 6. All ordinances, when approved by the mayor, or when regularly enacted, shall be immediately recorded by the recorder in a book to be called the Record of Ordinances, and it shall be the duty of the mayor and recorder to authenticate the same by their official signatures upon such record.

Ordinances to be recorded.

To be published. SEC. 7. Within ten days after the passage of any ordinance the same shall be published in some newspaper printed and circulated within the city, and the recorder shall, immediately after such publication, enter on the Record of Ordinances, in a blank space to be left for such purposes under the recorded ordinances, a certificate stating in what newspaper and of what date such publication was made, and sign the same officially, and such certificate shall be *prima facie* evidence that legal publication of such ordinance has been made.

Judicial notice to be taken of. SEC. 8. In all courts having authority to hear, try or determine any matter or cause arising under the ordinances of the city, and in all proceedings in the city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city; and whenever it shall be necessary to prove any of the laws, regulations or ordinances of the city, or any resolution adopted by the council thereof, the same may be read in all courts of justice and all proceedings:

Proof of ordinances, etc., in judicial proceedings.

First, From a record thereof kept by the recorder;

Second, From a copy thereof, or of such record thereof, certified by the recorder under the seal of the city;

Third, From any volume of ordinances purporting to have been written or printed by authority of the council.

CHAPTER VIII.

ENFORCEMENT OF ORDINANCES.

When prosecutions for violation of ordinances to be commenced. SECTION 1. Prosecutions for violations of the ordinances of the city shall be commenced within two years after the commission of the offense, and shall be brought within the city.

Penalty, how recovered.

SEC. 2. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof [therefor], or such penalty or forfeiture may be recovered in an action of debt or assumpsit, and, if it be a forfeiture of any property, it may be sued for and recovered in an action of trover or other appropriate action. And whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Actions for recovering of penalties, proceedings in, etc.

SEC. 3. Such action shall be brought in the name of the city and shall be commenced by summons. The form, time of return and service thereof, the pleadings and all the proceedings in the cause shall, except as otherwise provided herein, conform to and be the same, as nearly as may be, as in like actions provided by law for the recovery of penalties for violations of the laws of the State. Upon the rendition of judgment against the defendant, execution shall issue forthwith, and, except when against a corporation, shall require, if sufficient goods and chattels cannot be

Execution on.

found to satisfy the same, that the defendant be committed to prison, there to remain for a period not exceeding ninety days, unless such execution be sooner paid or he be discharged by due course of law, but imprisonment without payment shall not operate as a satisfaction of the judgment, nor shall costs be allowed to the defendant in any such action.

SEC. 4. Prosecutions for violations of the ordinances of the city may also in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

When prosecution may be commenced by warrant.

SEC. 5. Such warrant shall be in the name of the people of the State of Michigan, and shall be directed to the marshal or any policeman or constable of the city of Sault St. Marie, and shall set forth the substance of the offense complained of, and be substantially of the form, and be issued upon complaint made, as provided by law in criminal cases cognizable by justices of the peace. And the proceedings with reference to the arrest and custody of the accused during the pendency of the suit, the pleadings and all proceedings upon the trial of the cause, and in procuring the attendance and testimony of witnesses, and in the rendition of judgment and the execution thereof, shall, except as otherwise provided by this act, be governed by, and conform as nearly as may be, to the provisions of law regulating the proceedings in criminal cases cognizable by justices of the peace.

Warrants, form and issue of.

SEC. 6. If the accused shall be convicted, the court shall render judgment thereon, and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with such costs of prosecution as the court shall order.

Convictions and punishment.

SEC. 7. Every such judgment shall be executed by virtue of an execution or warrant, specifying the particulars of the judgment. If the judgment be for the payment of a fine only, with or without costs, execution of the form prescribed in section three of this chapter shall issue forthwith. If the judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed; but in neither case above mentioned shall the imprisonment, without payment, operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment alone is imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

Judgments, how executed.

Commitment.

SEC. 8. The city shall be allowed the use of the jail of the county of Chippewa for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this act, and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail or in the city prison, or other place of confinement

City may use county jail, etc.

provided by the city or authorized by the ordinances of the city, and the sheriff or other keeper of such jail, or other place of confinement or imprisonment, shall receive and safely keep any person committed thereto, as aforesaid, until lawfully discharged.

Process, to
whom directed.

SEC. 9. All process issued in any prosecution or proceeding for the violation of any ordinance of the city shall be directed to the city marshal or to any constable of the city or county, and may be executed in any part of the State by said officers or any other officer authorized by law to serve process by justices of the peace.

How ordinance
may set forth in
proceedings,
etc., for
violation of.

SEC. 10. It shall not be necessary in any suit, proceeding or prosecution for violation of any ordinance of the city to state or set forth such ordinance, or any provision thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval, and it shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially, and with reasonable certainty as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause shall take judicial notice of the enactment, existence and provisions of the ordinances of the city and the resolutions of the council, and of the authority of the city to enact the same.

Jury may be
required, how
summoned, etc.

SEC. 11. In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when (where) other provisions [provision] is made, shall consist of six persons; and in suits commenced by warrant shall be selected and summoned as in criminal cases cognizable by justices of the peace, and in suits commenced by summons as by civil causes triable before such magistrates. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party, or interested, on account merely of such interest as he may have in common with the inhabitants of the city in the result of the suit.

Appeal may be
taken.

Proceedings
under.

SEC. 12. Any party convicted of a violation of any ordinance of the city in a suit commenced by warrant as aforesaid, may remove the judgment and proceeding into the circuit court for the county of Chippewa, by appeal or writ of *certiorari*, and the proceedings therefor and the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and *certiorari* in criminal cases cognizable by justices of the peace; and in suits to which the city shall be a party, brought to recover any penalty or forfeiture for such violations, either party may appeal from the judgment, or remove the proceedings by *certiorari* into the circuit court, and the like proceedings shall be had therefor and thereon, and the like bond or security shall be given as in cases of appeal and *certiorari* in civil causes tried before justices of the

peace, except that the city shall not be required to give any bond or security thereon. The circuit court to which the cause shall be appealed or removed by *certiorari*, shall also take judicial notice of the ordinances of the city, and the resolution of the council and of the provisions thereof.

SEC. 13. All fines imposed for violations of the ordinances of the city, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fines shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the money collected to such court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail or prison, who shall, within thirty days thereafter, pay the same to said court or magistrate; and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the city treasury, except such fines as by the constitution are appropriated for library purposes, on or before the first Monday of the month next after the receipt of same, and take the treasurer's receipt for and file the same with the comptroller.

Fines to be paid to court.

Court to pay fines into city treasury.

SEC. 14. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the council to cause suit to be commenced immediately therefor, in the name of the city, and to prosecute the same to effect. Any person receiving any such fine who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Penalty for neglect by officers to pay over fines.

SEC. 15. Fines paid into the city treasury for violations of ordinances of the city, shall be disposed of as the council may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such parts as shall be paid by costs collected, shall be defrayed by the city.

Disposition of fines and payment of.

Expense of punishing violators of ordinances.

[SEC. 16.] The circuit court of the county of Chippewa shall have jurisdiction to hear, try and determine all causes arising under the ordinances of the city for violations thereof, when the fine or forfeiture imposed shall exceed two hundred dollars, or when the offender may be imprisoned for a term exceeding three months. The proceedings in the circuit court in all such cases shall be the same as prosecutions to recover penalties and forfeitures and to punish violations of the criminal laws of the State, and all laws regulating prosecutions in criminal cases and to recover penalties shall apply so far as the same are applicable.

Circuit court of Chippewa county to have jurisdiction in certain cases.

SEC. 17. The police justice of the city shall have concurrent jurisdiction in all cases mentioned in the preceding section, but he shall not render judgment for more than two hundred dollars of the penalty or forfeiture imposed by any ordinance for the violation thereof, nor shall he sentence to imprisonment for a longer period than ninety days.

Jurisdiction of police justice limited.

SEC. 18. In all prosecutions for violations of the ordinances of the city, commenced by any person other than an officer of the

Security for costs.

city, the court may require the prosecutor to file security for the payment of the costs of the proceedings in case the defendant is acquitted.

CHAPTER IX.

GENERAL POWERS OF THE CITY.

Power of council relative to.

SECTION 1. The city shall, in addition to such other powers as are herein conferred, have the general powers and authority in this chapter mentioned, and the council may pass such ordinances in relation thereto and for the exercise of the same as they may deem proper, viz:

Vice, immorality, etc.

First, To restrain and prevent vice and immorality, gambling, noise and disturbance, indecent or disorderly conduct or assemblages, and to punish for the same; to prevent and quell riot; to preserve peace and good order, and to protect the property of the corporation and of its inhabitants and of any association, public or private corporation or congregation therein, and to punish for injuries thereto, or for unlawful interference therewith;

Vagrants, etc.

Second, To apprehend and punish vagrants, drunkards, disorderly persons and common prostitutes;

Injury, annoyance, etc.

Third, To prevent injury or annoyance from anything dangerous, offensive or unhealthy; to prohibit and remove anything tending to cause or promote disease; to prevent and abate nuisances and to punish those occasioning them or neglecting or refusing to abate, discontinue or remove the same; and generally to determine and declare what shall be deemed nuisances;

Disorderly houses, etc.

Fourth, To prohibit and suppress all disorderly houses and places, houses of ill-fame, assignation houses, gambling houses and all places where persons resort for gaming or to play at games of chance, and to punish the keepers thereof;

Billiard tables, etc.

Fifth, To regulate and license billiard tables, nine or ten pin alleys, or tables and ball alleys, and to punish the keepers thereof;

Gaming.

Sixth, To prohibit and suppress every species of gaming, and to authorize the seizure and destruction of all instruments and devices used for the purpose of gaming;

Ale houses, etc.

Seventh, To regulate ale, beer and porter houses, and all places of resort for tippling and intemperance, and to punish the keepers thereof, and all persons assisting in carrying on the business thereof, and to require all such places to be closed on the Sabbath day, and upon such other days and during such hours of every night as the common council shall prescribe;

Spirituuous liquors.

Eighth, To prohibit and prevent the selling or giving of any spirituous, fermented or intoxicating liquors to any drunkard or intemperate person, minor or apprentice, and to punish any person so doing;

Sports, exhibitions, etc.

Ninth, To regulate, restrain and prohibit all sports, exhibitions of natural or artificial curiosities, caravans, circuses, menageries, theatrical exhibitions, shows and all exhibitions of whatever name

or nature for which money or other reward is in any manner demanded or received;

Tenth, To prevent and punish violations of the Sabbath day and the disturbance of any religious meeting, congregation or society or other public meeting assembled for any lawful purpose; and to require all places of business to be closed on the Sabbath day; Violation of the Sabbath.

Eleventh, To license auctioneers, auctions and sales at auction, to regulate or prohibit the sale of live or domestic animals at auction in the streets or alleys or upon any public grounds within said city; to regulate or prohibit the sale of goods, wares, property or anything at auction by any manner of public biddings or offers by the buyers or sellers after the manner of auction sales or Dutch auctions, and to license the same, and to regulate the fees to be paid by and to auctioneers; but no license shall be required in cases of sales required by law to be made at auction or public vendue; Auctions, etc.

Twelfth, To license hawkers, peddlers and pawnbrokers, and hawking and peddling, and to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the city for that purpose, or from any stand, cart, vehicle or other device in the streets, highways, or in or upon the wharves, docks, open spaces or places, public buildings or grounds in the city, or from any steamship, sailing craft or boat of any description, lying at anchor or moored alongside any wharf or dock, or in any of the waters within the jurisdiction of said city; Hawkers, etc.

Thirteenth, To license and regulate wharfboats, and to regulate the use of tugs and other boats used in and about the harbor, and within the jurisdiction of the city; Boats.

Fourteenth, To establish or authorize, license and regulate ferries to and from the city or any place therein, or from one part of the city to another, and to regulate and prescribe, from time to time, the charges and prices for the transportation of persons and property thereon; Ferries.

Fifteenth, To regulate and license all taverns and houses of public entertainment, all saloons, restaurants and eating houses; Taverns, etc.

Sixteenth, To license and regulate all vehicles of every kind used for the transportation of persons or property for hire in the city; License of vehicles.

Seventeenth, To regulate and license all toll bridges within the city and to prescribe the rates and charges for passage over the same; Toll bridges.

Eighteenth, To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, flour, meal and other provisions; Meats, fish, etc.

Nineteenth, To regulate the inspection, weighing and measuring of brick, lumber, fire-wood, coal, hay and any article of merchandise; Brick, lumber, wood, etc.

	<i>Twentieth</i> , To provide for the inspection and sealing of weights and measures;
Weights and measures.	<i>Twenty-first</i> , To enforce the keeping and use of proper weights and measures by vendors;
Vaults, cisterns, etc.	<i>Twenty-second</i> , To regulate the construction, repair and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters;
Indecent exposure, etc.	<i>Twenty-third</i> , To prohibit and prevent, in the streets or elsewhere in said city, indecent exposure of the person, the show, sale, or exhibition for sale of indecent or obscene pictures, drawings, engravings, paintings and books or pamphlets, and all indecent or obscene exhibitions and shows [show] of every kind;
Bathing.	<i>Twenty-fourth</i> , To regulate or prohibit bathing in the rivers, ponds, streams and waters of the city;
Clearing rivers, etc.	<i>Twenty-fifth</i> , To provide for clearing the rivers, streams, ponds of the city and the races connected therewith of all drift-wood and noxious matter; to prohibit and prevent the depositing therein of any filth or other matter tending to render the waters thereof impure, unwholesome and offensive;
Offensive places, etc.	<i>Twenty-sixth</i> , To compel the owner or occupant of any grocery, tallow chandler's shop, soap or candle factory, butcher shop or stall, slaughter-house, stable, barn, privy, sewer or other offensive, nauseous or unwholesome place or house, to cleanse, remove or abate the same whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said city;
Gunpowder, etc.	<i>Twenty-seventh</i> , To regulate the keeping, selling and using of gunpowder, fire-crackers and fire-works and other combustible material [materials], and the exhibition of fire-works and the discharge of fire-arms, and to restrain the making or lighting of fires in the streets and other open spaces in the city;
Cellars, barns, etc.	<i>Twenty-eighth</i> , To direct and regulate the construction of cellars, slips, barns, private drains, sinks and privies; to compel the owner or occupant to fill up, drain, cleanse, alter, re-lay or repair the same or cause the same to be done by some proper officer of the corporation, and to assess the expense (expenses) thereof on the lot or premises having such cellar, slip, barn, private drain, sink or privy thereon;
Mock auctions, etc.	<i>Twenty-ninth</i> , To prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding in the managing or practice thereof;
Lotteries.	<i>Thirtieth</i> , To prohibit, prevent and suppress all lotteries for the drawing or disposing of money or any other property whatsoever, and to punish all persons maintaining, directing or managing the same or aiding in the maintenance, directing or managing the same;
Solicitors for passengers, etc.	<i>Thirty-first</i> , To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every other description used and employed

for hire, and to fix and regulate the amounts and rates of their compensation;

Thirty-second, To provide for the protection and care of paupers, and to prohibit and prevent all persons from bringing to the city from any other place any paupers (pauper), or other person likely to become a charge upon said city, and to punish therefor;

Thirty-third, To provide for taking a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same;

Thirty-fourth, To protect and regulate all cemeteries or graveyards within the city, and all such without the limits of said city as such corporation may acquire, and to regulate the burial of the dead and the keeping of bills of mortality;

Thirty-fifth, To establish, regulate and maintain one or more pounds; and to restrain and prevent, or regulate the running at large of horses, cattle, swine and other animals, geese and poultry and to authorize the impounding and sale of same for the penalty incurred, and the cost of keeping and impounding;

Thirty-sixth, To license and regulate the running at large of dogs; to require them to be muzzled and to authorize their destruction when running at large in violation of any ordinance.

Thirty-seventh, And further: The council shall have authority to enact all ordinances and to make all such regulations, consistent with the laws and the constitution of the State, as they may deem necessary for the safety, order and good government of the city, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

SEC. 2. The council may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sum for any license as they may deem proper. The person receiving the license shall, before the issuing thereof, execute a bond to the city in such sum as the council may prescribe, with one or more sufficient sureties, conditioned for a faithful observance of the charter and ordinances of said city, and otherwise conditioned as the council may prescribe. Every license shall be revocable by the council at pleasure, and when any license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the council, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license.

SEC. 3. No license shall be granted for any term beyond the first Monday in May next thereafter, nor shall any license be transferable; and the council may provide for punishment by fine or imprisonment, or both, of any person who, without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of the city.

Sums received
for, how
disposed of.

SEC. 4. All sums received for license granted for any purpose by the city, or under its authority, shall be paid into the city treasury to the credit of the contingent fund.

Council may
regulate laying
of railroad, etc.

SEC. 5. The council shall have authority to permit any railroad company to lay its track and operate its road with steam locomotives in or across the public streets, highways or alleys of the city, as the council may deem expedient, upon such terms and conditions, and subject to such regulations, to be observed by the company, as the council may prescribe, and to prohibit the laying of such track or the operating of any such road, except upon such terms and conditions.

Council may
compel railroad
companies to
change grade,
etc.

SEC. 6. The council shall have power to provide for and change the location and grade of all street crossings of any railroad track, and to compel any railroad company to raise or lower their railroad track to conform to street grades which may be established by the city from time to time, and to construct street crossings in such manner and with such protection to persons crossing thereat as the council may require, and to keep them in repair; also to require and compel railroad companies to keep flagmen or watchmen at all railroad crossings of streets, and to give warning of the approach and passage of trains thereat, and to light such crossings during the night; to regulate and prescribe the speed of all locomotives and railroad trains within the city; but such speed shall not be required to be less than four miles per hour, and to impose a fine of not less than five nor more than fifty dollars upon any such company, and upon any engineer or conductor violating any ordinance of said city regulating the speed of trains.

Speed of trains,
etc.

Drains, sewers,
etc., along or
across railroad
tracks.

SEC. 7. The council shall have power to require and compel any railroad company and any street railway company, to make, keep open and repair such ditches, drains, sewers and culverts along and under or across their railroad tracks as may be necessary to drain their grounds and right of way properly, and in such manner as the council shall direct and so that the natural drainage of adjacent property shall not be impeded. If any such railroad company shall neglect to perform any such requirement according to the direction of the council, the council may cause the work to be done at the expense of such company, and the amount of such expense may be collected at the suit of the city against the company in a civil action before any court having jurisdiction of the cause.

Street
railways.

SEC. 8. The council may grant to any company or companies, corporation or corporations organized for that purpose, the exclusive right to construct and operate in such of the streets of the city as shall be designated in the ordinance or ordinances granting said franchise or franchises, a street railway or street railways for such a term of years, not to exceed twenty in any one grant, and under such terms and conditions as the council may prescribe.

Partition
fences.

SEC. 9. The council is authorized to enact all such ordinances and laws as it may deem proper relative to the building, re-building, maintaining, and repairing of partition fences by the owners

and occupants of adjoining lots, enclosures and parcels of land in said city, and relative to the assigning to the owners or occupants of such pieces of land the portion of such partition fences to be maintained by them respectively, and may provide for the recording of such assignments and divisions when made, and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. And the council may appoint fence viewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in said city. Fence viewers.

SEC. 10. The council may make such provisions as they may (shall) deem expedient for the support and relief of poor persons residing in the city; and for that purpose may provide by ordinance for the election or appointment of a director of the poor for the city, and may prescribe his duties, and invest him with such authority as may be proper for the due exercise of his duties. Director of the poor.

CHAPTER X.

POLICE.

SECTION 1. The council may provide by ordinance for a police force, and for the appointment of such number of policemen and night watchmen as they may think for the good government of the city, and for the protection of the persons and property of the inhabitants, and may authorize the mayor to appoint special policemen from time to time, when in his judgment the emergency or necessity may so require, and may provide for and appoint subordinate officers for the police and night watchmen. Police force, provisions for.

SEC. 2. The council may make and establish rules for the regulation and government of the police, prescribing and defining the powers and duties of policemen and night watchmen, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the city, preserve the inhabitants from personal violence, and protect public and private property from destruction by fire and from unlawful depredation. And the mayor is hereby authorized, whenever he shall deem it necessary for the preservation of peace and good order in the city, to appoint and place on duty such number of temporary policemen as in his judgment the emergencies of the case may require; but such appointment (appointments), unless made in accordance with some ordinance or resolution of the council, shall not continue longer than three days. Regulation of. Temporary policemen.

SEC. 3. The city marshal, subject to the direction of the mayor and committee on police department, shall, as chief of police, have the superintendence and direction of the policemen and night watchmen, subject to such regulations as may be prescribed by the council. Marshal to be chief of police.

SEC. 4. It shall be the duty of the police and night watchmen and officers of the force, under the direction of the mayor and Duties of police.

chief of police, and in conformity with the ordinances of the city, to suppress all riots, disturbances and breaches of the peace; and to pursue and arrest any person fleeing from justice, in any part of the State; to apprehend any and all persons in the act of committing any offense against the laws of the State or the ordinances of the city, and to take the offender forthwith before the proper court or magistrate, to be dealt with for the offense; to make complaint to the proper officers and magistrates of any person known or believed by them to be guilty of the violation of the ordinances of the city or the penal laws of the State, and at all times diligently and faithfully to enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may ordain; and to serve all process directed or delivered to them for service; and for such purpose [purposes] the chief of police and every policeman and night watchman shall have all power of constables, and may arrest upon view and without process any person in the act of violating any ordinance of the city, or of committing any crime against the laws of the State. And the chief of police and any policeman may serve and execute all process in suits and proceedings for violation of the ordinances of the city, and any other process which by law a constable may serve.

Powers of police.

Compensation of.

SEC. 5. When employed in the service of process policemen shall receive the same fees therefor as are allowed to constables for like services; when otherwise engaged in the performance of police duty they shall receive such compensation therefor from the city as the council may prescribe. Every policeman shall report on oath to the council, at its first meeting in every month, the amount of all moneys and fees received by him for services as policeman since his last preceding report, and the names of the persons from whom received and the amount received from each.

Suspension and removal of.

SEC. 6. The mayor may suspend any policeman or night watchman for neglect of duty, misconduct or other sufficient cause, subject to the approval of the council, and may appoint some suitable person to fill such vacancy until the next meeting of the council. The council may remove from office any policeman appointed thereto at any time.

Expenses of, incurred under State laws, how paid.

SEC. 7. The expenses of the marshal or any member of the police force of said city in apprehending and committing offenders against the laws of this State in said city, shall be audited and allowed by the board of supervisors of Chippewa county, in the same manner as if such expenses had been incurred in any township of Chippewa county, and when so allowed shall be paid by the treasurer of Chippewa county to the city treasurer, who shall credit the same to the contingent fund less the necessary expenses of the officers performing said services, which shall be paid to him when audited and allowed by the council.

Board of police commissioners may be established.

SEC. 8. The council may at any time, by a vote of two-thirds of the members elect, abolish the office of village marshal and establish a board of police commissioners, to consist of three electors of said city, who shall serve without compensation, and

shall be appointed at the same time as other appointive officers of the city, and shall hold their offices for such terms as the council may prescribe. In said board shall be vested the power of appointing a chief of police and such number of regular and special policemen as they may deem necessary to preserve good order in said city. Said board shall have control of said police force under such regulations as the council may prescribe by ordinance, and they shall exercise all the powers of removal or suspension of any police officer granted under the terms of this act to the mayor or council. In case said board is created the chief of police shall exercise all the duties, and be vested with all the powers given to the marshal under the terms of this act, and the powers and duties of policemen shall be the same as are provided herein.

Power and
duties of board.

Power and
duties of chief
of police.

CHAPTER XI.

CITY PRISON.

SECTION 1. The council shall have power to provide and maintain a city prison, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the city, and for the employment of those imprisoned therein.

Council may
provide
prison, etc.

SEC. 2. All persons sentenced to confinement in the city prison, and all persons imprisoned therein on execution or commitment for the non-payment of fines for violations of the ordinances of the city, may be kept at hard labor during the term of imprisonment, either within or without the prison, under such regulations as the council may prescribe.

Prisoners may
be kept at hard
labor.

CHAPTER XII.

PUBLIC HEALTH.

SECTION 1. The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of the city, and to prevent the introduction of malignant, infectious, or contagious diseases within the city, or within one mile thereof; and for the removal of persons having such diseases, or who from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the city limits, or to such hospital or place of treatment within the city as the council may prescribe or the public safety may require.

Jurisdiction of
council relative
to health.

SEC. 2. The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the city; and may require any person, corporation, or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which such nuisance or cause of disease may be found, to remove or abate the same, upon such notice and within such

Abatement of
nuisances.

time, and in such manner as the council may by ordinance or resolution direct.

Draining,
filling, etc., of
offensive places.

Dangerous
buildings, etc.

Expense of
abating
nuisances, etc.,
how recovered.

SEC. 3. If any cellar, vault, lot, sewer, drain, place or premises within the city shall be damp, offensive or filthy, or be covered during any portion of the year by stagnant or impure water, or shall be in such condition as to produce offensive or unwholesome exhalations, the council may cause the same to be drained, filled up, cleaned, amended or purified; or may require the owner or occupant, or person in charge of such lot, premises or place, to perform such duty, and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove the same, or the council may cause the same to be done by the proper officers of the city.

SEC. 4. If any person, corporation or company shall neglect to remove or abate any nuisance, or to perform any requirement made by or in accordance with any ordinance or resolution of the council, or by the board of health of the city, for the protection of the health of the inhabitants, and if any expense shall be incurred by the city in removing or abating such nuisance, or in causing such duty or requirement to be performed, such expense may be recovered by the city in an action of debt or assumpsit against such person, corporation or company. And in all cases where the city shall incur any expense for draining, filling, cleansing or purifying any lot, place or premises, or for removing any unsafe building or structure, or for removing or abating any nuisance found upon any such lot or premises, the council may, in addition to all other remedies provided for the recovery of such expense, charge the same, or such part thereof as they shall deem proper, upon the lot or premises upon or on account of which such expense was incurred, or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

Places may be
assigned for.
Dangerous or
offensive
business.

SEC. 5. The council, when they shall deem it necessary, may from time to time assign by ordinance certain places within the city for the exercising of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the city shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit further exercises [exercise] of such business or employment at such place.

Hospitals,
establishment
and regulation
of.

SEC. 6. The council may purchase the necessary lands and erect thereon or otherwise provide one or more hospitals, either within or without the city limits, and provide for the appointment of the officers, attendants or employés, for the care and management thereof, and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the city shall seem proper; and by direction of the council or board of health persons having any malignant, infectious or con-

tagious diseases may be removed to said hospital and there detained and treated when the public safety may so require; and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

SEC. 7. The council shall also have and exercise within and for the city all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable and consistent with this act, and they may enact such ordinance or ordinances as they may deem proper for regulating the proceedings and mode of exercising such powers and authority.

Council to have power of board of health.

SEC. 8. The council, when deemed necessary, may establish a board of health for the city, and appoint the necessary officers thereon, and provide rules for its government, and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the city, and in addition thereto the said board of health, when created, shall have and exercise all the power (powers) and authority conferred on boards of health by the State laws referred to in the preceding section, so far as they may be exercised consistently with the provisions of this act; and the council may prescribe penalties for the violation of any lawful order, rule or regulation made by said board of health or any officer (officers) thereof.

Council may establish board of health.

Powers and authority of.

CHAPTER XIII.

CEMETERIES.

SECTION 1. The city may acquire, hold and own such cemetery or burial place or places, either within or without the limits of the corporation, as in the opinion of the council shall be necessary for the public welfare, and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial place as the council may prescribe; and the council may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and buried elsewhere.

Cemeteries and burials therein.

SEC. 2. The council may, within the limitations in this act contained, raise and appropriate such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection and care thereof.

Purchase and improvement of cemetery grounds.

SEC. 3. The council shall appoint three trustees, who shall be freeholders and electors in the city, and who with the recorder, shall constitute a "board of cemetery trustees." The three trustees so appointed shall hold their office (offices) for the term of three years, except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the first Monday in May of the year when appointed, and annually thereafter one trustee shall be appointed. The council may remove any trustee so appointed for inattention

Board of cemetery trustees, appointment, term of office and removal of.

to his duties, want of proper judgment, skill or taste for the proper discharge of the duties required of him, or other good cause. Said board shall serve without compensation.

Organisation,
powers and
duties of board.

SEC. 4. The board of cemetery trustees shall appoint one of their number chairman, and the recorder shall be clerk of the board. And the council may by ordinance invest the board with such powers and authority as may be necessary for the care, management and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and in addition to the duties herein mentioned the board shall perform such other duties as the council may prescribe. Such board, subject to the direction and ordinances of the council, shall have the care and management of any such cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered and the avenues and walks to be named, and plats thereof to be made and recorded in the office of the recorder. The board shall fix the price of lots and make the sales thereof. The conveyances of such lots shall be executed on behalf of the city by the recorder, and be recorded in his office at the expense of the purchasers. Said board shall appoint the necessary superintendents and employes for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of the city made for the management and care thereof, and make such regulations for the burial of the dead, the care and protection of the grounds, monuments and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the city and the laws of the State.

Superintendents
and employes
for cemetery.

Cemetery fund.

SEC. 7. All moneys raised for any public cemetery authorized by this act, and all moneys received from the sale of lots therein, or otherwise therefrom, shall be paid into the city treasury and constitute a fund to be denominated the "cemetery fund." Said fund shall not be devoted or applied to any other purpose except the purposes of such cemetery. The board of trustees shall report to the council annually on the first Monday in March, and oftener when the council shall so require, the amount of all moneys received into and owing to the cemetery fund, and from what source, and from whom, and the date, amount, items and purpose of all expenditures and liabilities incurred, and to whom paid, and to whom incurred, and such other matters as the council shall require to be reported, which report shall be verified by the oath of the clerk of the board.

Board to report
to council.

Council may
pass ordinances
relative to
cemeteries.

SEC. 8. The council of said city, as soon as it shall own a public burial ground or cemetery, whether within or without the city, may pass and enforce all ordinances necessary to carry into effect the provisions herein, and to control or regulate such cemetery or burial place and the improvements thereof, and to protect the same and the appurtenances thereof from injury, and to

punish violations of any lawful orders and regulations made by the board of cemetery trustees.

SEC. 9. The council shall have power also to pass all ordinances deemed necessary for the preservation and protection of any cemetery or burial place within the city, belonging to or under the control of any church, religious society, corporation, company or association, and for the protection and preservation of the tombs, monuments and improvements thereof, and the appurtenances thereto. Idem.

CHAPTER XIV.

REGULATION OF HARBOR—WHARVES—HARBOR MASTER.

SECTION 1. The council shall have power to preserve and regulate the navigation of the St. Mary's river within the limits of said city, so far as the same is consistent with the laws of the United States and the laws of this State, and the rules governing the use of the St. Mary's Falls ship canal: *Provided, however,* That the council may enact such ordinances and provide such penalties for the violation thereof as may be necessary to prevent vessels approaching or waiting to enter said canal from obstructing the approaches to or use of any landing place, wharf or dock belonging to said city, or to any private individual, company or corporation. Navigation of St. Mary's river.
Proviso.

SEC. 2. The council shall have power to provide for and preserve the purity and salubrity of the waters of the St. Mary's river, and to prohibit the depositing therein of all filthy and other matter tending to render said water impure, unwholesome or offensive; to prohibit and prevent the depositing of any earth or substance tending to impair the navigation thereof; to remove all obstructions that may at any time occur therein, and so far as is consistent with section one of this chapter, to direct and to regulate the stationing, anchoring and mooring of vessels and laying out of cargoes and ballast for the same; to regulate the speed of coming to or departing from the docks, wharves and landings by boats and water craft; to regulate the running of logs on the said river, and generally to enact and enforce such ordinances and regulations as in the opinion of the council shall be most conducive to the orderly, safe, and convenient use and occupancy of the harbor, navigable waters, docks, piers and landing places within the city. Relative to purity of waters of St. Mary's river and obstructions therein, etc.

SEC. 3. The council shall have power to establish, construct, maintain and control public wharves, upon any lands or property belonging to or under the control of the shore or bank of said river within the city, not the property of individuals, to the extent to which the State can grant the same, and the council may lease wharfing and landing privileges upon any of the public wharves, docks or landings, but not for a longer time than five years, and in such manner as to preserve the right of all persons to a free passage over the same with their baggage. Public wharves.

Grade and line
of wharves, etc.

SEC. 4. The council shall have authority also to require and cause all docks, wharves and landings, whether upon public grounds or upon the property of private individuals, to be constructed and maintained in conformity with such grade as may be established therefor by the council, and prescribe the line beyond which any such wharf, dock or landing shall not be constructed or maintained: *Provided*, That the above provisions shall not apply to the removal of private docks already constructed.

Wharfage and
dockage.

SEC. 5. The council shall have authority to prohibit the encumbering of the public wharves and landings, and to regulate the use of all wharves, docks and landing places within the city; to regulate the use of wharfboats; and to regulate and prescribe the rates and charges for landing, wharfage and dockage at all public and private wharves, docks and landings, and to collect wharfage and dockage from boats, water craft and floats landing at or using any public landing place, wharf or dock within the city.

Tugs.

SEC. 6. The council may also license and regulate the use of tugs, and prescribe the rates and charges of towage within the waters of the city.

Harbor master,
appointment,
etc., of.

SEC. 7. In the absence of any other provision the marshal or chief of police shall, by virtue of his office, be harbor master of the city. The council, however, may designate and appoint any other competent person or officer of the city to be harbor master, and may appoint such other officers as may be necessary for the enforcement of all such ordinances and regulations as the council may lawfully enact and prescribe in respect to and over the navigable waters, harbors, wharves, docks, landings and basins within the city, and prescribe the powers and duties of such harbor masters and other officers, and fix the compensation to be paid them.

Power and
duty of.

SEC. 8. The harbor master shall have full police powers over the waters of the St. Mary's river within said city, and shall enforce the ordinances of the city in regard thereto. It shall be the duty of every captain, master, owner or other person in charge of any vessel or boat to comply with the ordinances of the city and to obey the instructions and directions of said harbor master; and in case of any neglect or refusal so to do, it shall be the duty of the harbor master to move said boat or vessel, and for that purpose he may employ men and tugs, and may enter upon and take and retain possession of said boat or vessel until the reasonable expenses so incurred by him have been paid by the master or other person having charge of said boat or vessel; and the police force of said city shall render him such assistance as may be necessary to enforce the city charter and ordinances.

Neglect to com-
ply with orders
of harbor
master a
misdemeanor.

Any captain, master, owner, or other person in charge of any vessel who shall neglect or refuse to comply with the instructions and directions of the harbor master in the performance of his duties, shall be deemed guilty of a misdemeanor.

CHAPTER XV.

FERRIES.

SECTION 1. The council may regulate and license ferries from the city or any place or landing therein to the opposite shore, or from one part of the city to another ; and may require the payment of such reasonable sum for such license as the council shall deem proper ; and may impose such reasonable terms and restrictions in relation to the keeping and management of such ferries, and the time, manner and rates of carriage and transportation of persons and property as may be proper ; and provide for the revocation of any such license, and for the punishment, by proper fines and penalties, of the violation of any ordinance prohibiting unlicensed ferries and regulating those established and licensed.

Licensing and management of ferries.

CHAPTER XVI.

MARKETS.

SECTION 1. The council shall have the power to erect market-houses, establish and regulate all markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary to the sustenance, convenience and comfort of the inhabitants ; to prescribe the times for opening and closing the same ; the kind and description of articles which may be sold, and the stands and places to be occupied by the vendors.

Council may erect market houses, etc.

SEC. 2. The council may adopt and enforce such rules and regulations as may be necessary to prevent fraud and to preserve order in the markets, and may authorize the immediate seizure, arrest and removal from the market of any person violating its regulations, together with any articles in his or their possession, and may authorize the seizure and destruction of tainted or unsound meats, or other provisions exposed for sale therein.

May adopt rules governing markets, etc.

CHAPTER XVII.

PUBLIC BUILDINGS, GROUNDS AND PARKS.

SECTION 1. The city may acquire, purchase and erect all such buildings as may be required for the use of the corporation, and may purchase, acquire, appropriate and own such real estate as may be necessary for public grounds, parks, markets, public buildings and other purposes necessary or convenient for the public good and the execution of the powers conferred in this act ; and such buildings and grounds or any part thereof may be sold, leased, mortgaged and disposed of as occasion may require.

City may erect public buildings, acquire lands, etc.

SEC. 2. When the council shall deem it for the public interest, grounds and buildings for city prisons, work-houses, hospitals, pest-houses, cemeteries, water-works and other necessary public uses may be purchased, erected and maintained within or beyond

Purchase of lands, etc., and authority over.

the corporate limits of the city; and in such cases the council shall have authority to enforce beyond the limits and over such lands, buildings and property in the same manner and to the same extent as if they were situated within the city, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prisons, work-houses or hospitals.

Public grounds.

SEC. 3. The council shall have authority to lay out, establish and enlarge, or vacate and discontinue public grounds and parks within the city, and to improve, light and ornament the same, and to regulate the care thereof, and to protect the same and the appurtenances thereof from obstructions, encroachments and injury, and from all nuisances.

CHAPTER XVIII.

SEWERS, DRAINS AND WATER-COURSES.

Sewers and system of sewerage.

SECTION 1. The city council shall have full power to establish, construct, maintain, repair, enlarge and discontinue within the highways, streets, alleys, public and private grounds of said city, such sewers, lateral sewers and drains as they may deem necessary, or which in the determination of the council may be deemed necessary for the preservation of the general health of the city; such sewers may be constructed of such form and material as the council may deem best; the council shall have full power and authority to carry out and complete, under the provisions of this act, any system or plan of sewerage adopted for and by the village of Sault Ste. Marie the same in all respects, so far as possible, as if such system or plan had been adopted after the passage of this act. The council may also establish a board of sewer commissioners for the city, consisting of not less than three nor more than five persons, to have the management of the sewers and the charge of their construction; and may prescribe by ordinance their powers, duties, terms of office and compensation of said commissioners: *Provided*, That no more than one commissioner shall be appointed from any ward until every ward is represented on said board: *Provided further*, That the board of sewer commissioners of said village shall continue in office after the taking effect of this act, and shall perform all the duties and exercise all the powers given them to perform or exercise under the ordinance of the said village by which they were created, the same as if this act had not been passed, until the council shall establish a board hereunder.

Sewer commissioners.

Powers, duties, etc., of.

Proviso.

Further proviso.

How private property may be taken for purpose of sewer.

SEC. 2. Whenever the city shall determine that it is necessary to take or appropriate any private property through or upon which to construct any sewer or drain, the same may be taken or appropriated as provided in this act for taking private property for public use.

SEC. 3. The expenses of constructing any sewer, lateral sewer,

connecting sewer or drain, may be paid by special assessment upon the property adjacent thereto or benefited thereby in the manner in this act provided for levying and collecting special assessments, or, in the discretion of the city council, any portion of such cost and expenses may be paid by special assessment as aforesaid and the balance from the funds of said city.

Expense of constructing sewer, how paid.

SEC. 4. The city council may direct and regulate the constructions of sewers and drains for the purpose of more effectually draining all lots, cellars, yards, sinks, privies and cesspools within the limits of said city whenever in their opinion the same shall be necessary. Such sewers and drains shall be constructed through any of the streets or alleys adjoining or in front of the premises through which sewers or drains shall be ordered constructed, and the council may assess the whole or any part of the expense thereof on such lots and premises benefited thereby.

Private sewers may be constructed by city.

SEC. 5. The said council may, when they deem it necessary, direct the owner or occupant of any premises, lots and subdivisions thereof within said city and contiguous to any public sewer or drain, to construct, alter or repair private drains and sewers from such premises, lots and subdivisions thereof connecting with such public sewer or drain aforesaid, and in case any such owner or occupant shall neglect to construct, alter or repair such private drain or sewer as directed by said council, said council may cause the same to be done under the direction of some officer of the city, and the cost and expense thereof may be assessed on such premises, lots or subdivisions thereof, and collected as in this act provided for the collection of special assessments, or the same may be collected by suit in the name of the city of Sault Ste. Marie against the person assessed in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money, labor and material furnished shall be sufficient.

Council may order individuals to construct sewers, etc.

Proceedings in case of neglect to construct, etc.

SEC. 6. The city council shall have power to direct and regulate all house connections with any public sewer, and may provide by ordinance for the punishment of persons violating such regulations or any other regulation or ordinance in relation to sewers or sewerage; any person or officers of the city, under the direction of the city council, shall have the right and are hereby authorized to inspect any premises, house or other building for the purpose of examining the sewerage or sewer connections, or to repair, alter or construct any sewer or drain which any owner or occupant has failed or neglected to do, after having been so as aforesaid directed to do by said council.

Connections with sewers.

Inspection of sewerage, etc.

SEC. 7. The said city council may provide for the levying and collecting of an annual tax, for the purpose of constructing and keeping public sewers and drains in repair.

Sewer tax.

SEC. 8. The city council shall have power to pass such ordinances and make such rules and regulations in regard to public sewers, sewerage, making sewer and house connections, and the property and material used in connection therewith, as they may deem necessary for the proper use and protection thereof,

Council may pass ordinances regulating sewers, etc.

and to punish all persons guilty of violating the same; and said council shall also have power to license and regulate plumbers and other persons doing work in relation to constructing sewers and making sewer connections, and to prohibit other than those licensed from doing the same.

CHAPTER XIX.

STREETS AND PUBLIC GROUNDS.

Council to have control of streets, etc.

SECTION 1. The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall cause the same to be kept in repair and free from nuisances, encroachments and obstructions.

Certain streets, etc., excepted.

SEC. 2. But the city shall not be responsible for the care, improvement or repairs (repair) of any street or alley, laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before the incorporation of the city under this act, nor for the improvement or (and) repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall be accepted and confirmed by the council by an ordinance specially passed for that purpose.

Laying out etc., streets, etc.

SEC. 3. The council shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the city, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner in this act provided for taking private property for public use, or in the manner provided by the general laws of the State.

How private property may be taken for.

How improvements to be paid for.

The whole or any part of such improvement may be paid out of the funds of the city. If it shall be determined that the city pay only a portion of the expense, the balance thereof shall be paid by special assessment upon the property adjacent thereto and benefited thereby. And such special assessments may be levied and collected as provided by this act for levying and collecting special assessments.

Vacating streets, etc.

SEC. 4. When the council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter, when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for not less than four weeks before the time appointed for such meeting in one of the newspapers of the city. Objections to such proposed act of the council may be filed with the recorder, in writing, and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds of the aldermen elect.

SEC. 5. The council may cause all public streets, alleys and

public grounds to be surveyed, and may determine and establish the boundaries thereof, and cause the surveys and description thereof to be recorded in the office of the recorder in a book of street records; and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by the council, to be recorded in like manner; and such record shall be *prima facie* evidence of the existence of such streets, alleys or public grounds as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground, shall also be recorded in said book of street records, and the records shall be *prima facie* evidence of all the matters therein set forth.

Record of streets.

Resolutions vacating, etc., to be recorded.

SEC. 6. The council shall have authority to establish and determine the grades of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to or abutting upon such streets, alleys or grounds to be made and constructed in conformity with such grade, and the council may change or alter the grade of any street, alley or public ground or any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered, a record and diagram thereof shall be made in the book of street records in the office of the recorder.

Grades of streets.

Record of grades.

SEC. 7. Whenever any street, alley or public highway shall have been graded, or pavement shall have been constructed in conformity to grades established by authority of the city, and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, street, alley or public highway, unless such change be asked for by a majority of the owners of such lots or lands; but the expense of all improvements occasioned by such change of grade shall be chargeable to and paid by the city.

Change of grades on streets, paved, etc.

SEC. 8. If any damage shall result to any owner by a change of the established grade of any street, alley, sidewalk, wharf or landing, the council may, in their discretion, levy and collect the amount thereof by special assessment upon the lots benefited thereby, and therewith pay the same; but the city shall incur no liability by reason of anything in this section contained.

Damages for change of grades on streets, wharves, etc.

PAVING AND IMPROVEMENTS.

SEC. 9. The council shall have power to grade, pave, macadamize, plank, gravel, curb, and otherwise improve and repair the highways, streets, avenues, lanes and alleys of the city, and to regulate the time and manner of working thereon. The term paving shall be deemed to include the construction of crosswalks, gutters and curbing. The cost and expenses thereof may be paid by the corporation, or the same or any part thereof may be paid by the corporation and the balance may be assessed on the property

Grading, paving, etc., of streets, etc.

Costs of, how paid.

adjacent thereto and benefited thereby. Such assessment may be levied and collected as by this act provided for levying and collecting special assessments.

STREET REGULATIONS.

Obstructions,
incumbrances,
etc., on streets,
etc.

SEC. 10. The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets and alleys of the city, and to remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachments upon or in any such highway, street or alley; and to require all such persons to remove such obstruction, incumbrance and encroachment.

Shade trees,
etc.

SEC. 11. The council may provide for and regulate the planting of shade and ornamental trees in the public ways, streets and avenues of the city, and for the protection thereof; and may light the streets and public places, and regulate the setting of lamps and lamp-posts therein, and protect the same.

Excavating,
etc., on streets.

SEC. 12. The council may regulate the making of all openings in and removal of the soil of public streets, for the laying or repair of sewers, drains, tunnels, gas-pipes, water-pipes, or for any other purpose, and may prohibit and prevent all such openings and removals of the soil, except by express permission of the council, and at such times and upon such terms and regulations as they may prescribe.

Hack stands,
hay markets,
etc.

SEC. 13. The council may regulate the use of public highways, streets avenues and alleys of the city, subject to the right to travel and passage therein. They shall have the authority to prescribe the stands for all vehicles kept for hire or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display, use, or placing of signs, advertisements and banners, awning posts and telegraph poles in or over the streets; to prohibit immoderate riding and driving in the streets or over bridges; to regulate or prohibit all such sports, amusements, proceedings and gatherings [gathering] of crowds in the streets as may interfere with the lawful use thereof or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of horses, cattle, swine, dogs, geese and other domestic animals or fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same, and to require and authorize the destruction of dogs found at large contrary to the ordinances of the city; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them; and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general

Signs, etc.

Running at
large of ani-
mals, etc.

Cleaning
streets, etc.

welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

SEC. 14. The council shall have power to levy and cause to be collected in each year a poll or capitation tax upon every male inhabitant of the city between the ages of twenty-one and fifty years, excepting acting (active) members of the fire department and such other persons as are exempt from the payment of such taxes by the general law; and the council shall by ordinances (ordinance) prescribe the time and manner of assessing and collecting said tax and the penalty for neglect and (or) refusal to comply with the provision of such ordinance. All taxes, moneys collected and fines received by the city pursuant to this section shall be used exclusively for working and improving the highways, streets, lanes and alleys of the city. Poll tax.

CHAPTER XX.

SIDEWALKS.

SECTION 1. The city council shall have control of all sidewalks in the public streets and alleys of the city and may prescribe the grade thereof and change the same when deemed necessary. They shall have power to maintain and construct sidewalks and crosswalks in the public streets and alleys and charge the expense thereof upon the lots and premises adjacent to and abutting upon such walks. Grade of sidewalks and construction of.

SEC. 2. The council shall also have authority to require the owners and occupants of lots and premises to construct sidewalks and maintain the same in the public street adjacent to and abutting upon such lot or premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials and manner of construction and within such time as the council shall by ordinance or resolution prescribe. Council may require owner to construct.

SEC. 3. The council shall also have power to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from all obstructions, encroachments, incumbrances, filth and other nuisances. Removal of snow, etc., from.

SEC. 4. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in the last two sections, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalk (sidewalks) within such time and such manner as the council shall require, the council may cause the same to be done and such sidewalk to be constructed or repaired at the expense of On failure of owner, etc., city may construct, etc., at expense of owner, etc.

such owner or occupant, and the amount of all the expenses incurred by the council thereby shall be levied as a special assessment upon the lot or premises adjacent to or abutting upon such sidewalk.

Regulation of
signs, etc., on
sidewalks.

SEC. 5. The council shall have the power to regulate and prohibit the placing of signs, awnings, awning-posts and of other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in sidewalks, and of all vaults, structures and excavations under the same, and to prohibit and prevent obstructions, incumbrances or other nuisances upon the walk.

Persons failing
to construct,
repair, etc.,
sidewalks, liable
for damages for
injuries occur-
ing on.

SEC. 6. If any owner, occupant or person in charge of any lot or premises shall neglect to repair any sidewalk in front of or adjacent to such premises, or to remove any snow or ice therefrom, or to keep the same free from obstructions and incumbrances, in accordance with the requirements of the ordinances and regulations of the council, he shall be liable to the city for the amount of all damages which shall be recovered against the city for any accident or injury occurring by reason of such neglect.

CHAPTER XXI.

COST OF IMPROVEMENTS—SPECIAL ASSESSMENTS.

Cost of certain
improvements
to be paid from
general fund.

SECTION 1. The cost and expense of the following improvements, including the necessary lands thereof, viz: For city hall and other public buildings and offices for the use of the city officers, engine-houses and structures for the fire department, for water-works, market-houses and spaces, cemeteries and parks, watch houses, city prisons and work-houses, and public wharves and landings upon navigable waters, levees and embankments shall be paid from the proper general funds of the city. When by the provisions of this act, the costs (cost) and expenses of any local or public improvement may by the council be ordered to be defrayed, in whole or in part, by special assessment upon lands and premises specially benefited thereby, according to the benefit derived therefrom, such assessment may be made as in this chapter provided.

Special assess-
ments.

Council to de-
clare relation
to special
assessments.

SEC. 2. When the council shall determine to make any public improvements or repairs, and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement or repairs to be made, and what part or portion of the cost and expense thereof shall be paid by special assessment, and what part or portion of the cost and expenses thereof, if any, shall be paid from the general funds of the city.

Estimate of
cost to be made.

SEC. 3. Before ordering any public improvement or repairs, any portion of the cost or expenses of which is to be defrayed by a special assessment, except for the construction or repair of sidewalks, the city surveyor, the board of sewer or water commis-

sioners, or such competent person as the council shall designate, shall by direction of the council forthwith proceed to estimate the cost and expense of such improvement or repairs, and he or they may cause surveys, plans and specifications to be made thereof and report the same to the council with such recommendations as he or they may deem advisable. As soon as the cost and expenses of such improvement or repairs shall be thus estimated, and the estimate shall be approved and the improvement or repairs shall be ordered made by the council, the comptroller shall prepare a tax-roll, in which roll he shall set down the description of all the lands and premises he deems specially benefited by the proposed improvement or repairs. If any such lands and premises are known to the comptroller to be occupied or owned by a resident of the city, the comptroller shall place the name of such occupant or owner opposite to the description thereof upon such roll: *Provided*, That unless three-fourths of the persons to be assessed shall petition therefor, no such improvement or repairs shall be ordered except for the construction or repairs of sidewalks, except by the concurrence of all the aldermen elect.

Tax roll.

Provide.

SEC. 4. Upon the completion of such roll the comptroller shall place the same before the council. The said council shall revise and correct the said roll, supply any deficiencies and make any changes it deems best. The comptroller shall therefore cause notice to be given of the time and place when and where the council will meet to hear and decide upon objections which may be made to said roll by persons deeming themselves aggrieved thereby; such notice may be addressed to the persons whose names appear upon said roll and to all others interested therein; it shall describe generally the character of the work for which the tax is levied, and the place where the work is to be done. The following form of said notice may be used:

Correction of roll.

Notice of Special Assessment.

To A—, B—, C—, D—, and to all other persons interested, take notice: That the common council, of the city of Sault Ste. Marie will meet at the council room of said city, on the -- day of -----, 18.., at -- o'clock, .. M., to hear and decide upon all objections which may be made by persons deeming themselves aggrieved by a local tax about to be assessed for the purpose of paying the cost of (e. g. constructing a sidewalk, on the east side of Portage avenue, between Tyson street and Magazine street, in said city), (or constructing a sewer on Ashmun street between South street and Ridge street), (or paving Water street between Cross street and Douglass street), (or as the case may be).

Form of notice to be given of time, etc., of considering objections.

Comptroller.

SEC. 5. The comptroller shall cause such notice to be published in one of the newspapers of the city for two weeks preceding the time fixed for such meeting, and to be posted in the

Publication of notice.

council room, and in or near each postoffice of said city, and near the site of said proposed work, in some public and conspicuous place. At the time and place to which council may adjourn, the said council shall sit and hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and shall decide upon the same. Any member of said council shall have power to administer an oath and to examine witnesses in relation to the matter involved in such objection. Said council, upon cause shown, may, at the time of said meeting, diminish or correct any assessment or description appearing upon said roll: *Provided, however,* That if the amount assessed upon said roll against any description of property shall be diminished, the amount of such diminution shall be divided and added ratably to all the assessments upon said roll. They shall continue in session for at least one day and for such longer time as may be necessary.

Hearing, etc., objections.

Proviso.

Endorsement of roll.

After the said council shall have reviewed and approved said assessment roll, the comptroller shall endorse thereon the words "local tax-roll (e. g. paving Water street between Cross street and Douglas street), (e. g. or sidewalk on south side of Kemp street, between Fowle street and Sutton street," as the case may be), as approved by the council (e. g. July fifteenth, eighteen hundred and eighty-six, affixing time).

Dated, -----

Comptroller.

Said roll when so endorsed, shall be *prima facie* evidence in all courts and tribunals of the regularity of all proceedings preliminary to the making thereof and of the validity of said tax and tax-roll.

Roll to be evidence.

SEC. 6. After the tax-roll shall be so approved the comptroller shall annex thereto a warrant directed to the treasurer of said city substantially in the form following, viz:

Warrant to be annexed.

To the Treasurer of the City of Sault Ste. Marie:

You are hereby commanded to collect from the several persons named in the annexed tax-roll the several sums mentioned in the last column of said roll, set opposite their respective names, and to retain the same in your hands for the purpose of paying the costs of (e. g. paving Water street from Cross street to Douglas street), (or as the case may be).

Form of.

Interest will be added and collected by you upon all taxes assessed upon said roll remaining unpaid after the ---- day of ----, 18--, the same to be computed from the date as provided by law. You are further commanded to make return of said roll according to law on the first day of ----, 18--.

Dated -----

Comptroller.

SEC. 7. Upon receiving the said roll and warrant the said city treasurer shall proceed to collect of the several persons named in the roll the amount assessed against them thereon, as commanded by said warrant. In case any person named in said roll shall neglect or refuse to pay his tax it shall be the duty of the treasurer to levy the same by distress and sale of the goods and chattels of

Collection of assessments.

such person whenever the same may be found within the county of Chippewa. In the event of any property being seized by the treasurer as above provided, he shall proceed to advertise and sell the same, in the manner provided by law for the sale of chattels seized by the treasurer under a warrant annexed to a city tax-roll.

SEC. 8. Whenever any tax assessed upon such roll shall be paid the treasurer shall give a receipt therefor, and note the fact upon the roll opposite the description of the lot or parcel assessed.

Receipt to be given on payment of tax.

SEC. 9. The comptroller shall insert in said warrant the date from which interest is to be computed upon taxes delinquent after such date. The date shall, in every instance, be the last day of a calendar month which is not to occur within thirty days after the time of the delivery of the warrant to the treasurer. The treasurer shall add interest to all taxes delinquent after the day mentioned in the warrant as therein directed. Such interest shall be computed at the rate of one per cent for each calendar month, or fraction of a month, which shall elapse between the date mentioned in that behalf in the warrant and the time of payment; e. g. if the date fixed in such warrant be the last day of June, one per cent interest shall be added to and collected upon all taxes assessed in said roll paid during the month of July then next following, and two per cent upon all taxes paid during the month of August then next following.

Interest on delinquent taxes.

SEC. 10. Within five days after the time fixed in said warrant for the return of said roll, the treasurer shall return the same to the comptroller. The comptroller, at the time of making out the next general tax-roll, shall add any delinquent tax assessed upon such local tax-roll against any particular parcel of real estate, to the other city taxes to be assessed against the same parcel of real estate upon said general tax-roll.

Return of roll.

Disposition of delinquent taxes.

SEC. 11. The council may set aside any local tax-roll at any time before the same is delivered to the treasurer and direct the making of another. In the event of the tax assessed upon a local tax-roll proving insufficient to pay for the work for which it was assessed, the council may order a supplementary tax-roll to be made out for the purpose of supplying such deficiency. Such supplementary local tax shall contain the names of the same persons and the same description of property as are set down in the original local tax-rolls made out for the purpose of collecting money to pay the costs of the public work in question. Said deficiency shall be taxed and assessed against each description of property upon each supplementary roll ratably, according to and in proportion to the amount assessed against the same description of property in such original roll.

When new or supplementary rolls may be made.

SEC. 12. Whenever a new local tax-roll or a supplementary local tax-roll shall be directed to be made in the manner hereinbefore provided, it shall be the duty of the comptroller to prepare the same, and thereupon the same proceedings shall be had, the same duties performed, and the same authority be possessed by the comptroller, the council and the treasurer respectively, in

Who to make.

respect to such new roll or supplementary roll as is herein provided respecting the original of such local tax-rolls.

Work may be stopped or collections suspended.

SEC. 13. The council may at any time stop any public work and change the plans thereof; and it may suspend the collection of any local tax by a two-thirds vote of all the aldermen elect.

Relative to charges other than *pro rata*.

SEC. 14. When any expense shall be incurred by the city upon or in respect to any separate or single lot of land or premises, which by the provisions of this act the council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made *pro rata* upon several lots or parcels of land in an assessment district, an account of the labor or service (services) for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person chargeable therewith, shall be reported to the council in such manner as the council shall prescribe.

Idem.

SEC. 15. The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or premises, and the persons chargeable therewith respectively, to be reported by the recorder to the comptroller for assessment.

Special roll to be made for.

SEC. 16. Upon receiving the report mentioned in the preceding section, the comptroller shall make a special assessment roll and levy as a special assessment therein upon each lot or parcel of land so reported to him and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid, to be levied upon each of such lots or premises respectively; and when completed he shall report the assessment to the council, and thereupon the same proceedings shall be had, the same duties performed and the same authority be possessed by the comptroller, the council and the treasurer respectively in respect to such roll as are in this act provided in respect to local or special tax-rolls in other cases.

Special assessments a lien.

SEC. 17. All special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person (persons) to whom assessed until paid, and shall be due and payable upon confirmation.

Re-assessments, etc.

SEC. 18. Whenever any special assessment shall, in the opinion of the council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such

re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum, or any part thereof, levied upon any premises in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the re-assessment on such premises, and the re-assessment shall, to that extent, be deemed satisfied.

SEC. 19. No judgment or decree, nor any act of the council vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceedings might have been lawfully assessed thereon.

Lien for lawful assessments not impairable.

SEC. 20. At any time after a special assessment has become payable, the same may be collected by suit in the name of the city against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The local tax-roll upon which said special assessment is made, shall be *prima facie* evidence of the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment thereof.

Collection of assessments by suit.

SEC. 21. If in any such action it shall appear that by any reason of any irregularities or informality, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which is a proper charge against the defendant or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

Costs of suit.

CHAPTER XXII.

APPROPRIATION OF PRIVATE PROPERTY.

SECTION 1. Private property may be appropriated for public use in the city for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges; for buildings and structures for the fire department; for public grounds, parks, market places and spaces, for public wharves, docks, slips, basins and landings on navigable waters. and for the improvement of water-courses for sewers, drains and ditches, for water-works, and for necessary public buildings, hospitals, pest-houses and public cemeteries. But such property shall not be taken therefor without the consent of the owner, unless the necessity for using the same, and the just compensation to be made therefor, shall be determined by a jury of twelve freeholders residing in the city; nor shall any improvement requiring the taking of private property be made except with the concurrence of two-

For what purposes private property may be appropriated by city.

thirds of all the aldermen elected to office. The council may, however, acquire such property by negotiation and purchase.

Council to
declare neces-
sity of taking,
etc.

SEC. 2. When the council shall deem it necessary to make any public improvement, requiring the taking or using of private property not acquired by purchase, they shall so declare by resolution, describing the proposed improvement and each parcel of land designed to be taken by metes and bounds, giving the names of the owners or persons interested therein so far as known; and shall in the same resolution designate a justice of the peace of the city to whom an application will be made at a time therein to be stated, for the impaneling of a jury to ascertain the necessity of using said land and the just compensation to be made therefor.

Notice of ap-
plication to be
published, etc.

SEC. 3. Upon the passage of the resolution mentioned in the preceding section, a certified copy thereof shall be filed with said justice of the peace, and notice of the time and place of making said application, including a copy of said resolution, shall be given by publishing the same for three successive weeks in one of the newspapers of the city, the first publication of which shall be at least thirty days before the time fixed for the application, and a copy of said notice and resolution shall be served personally by the city marshal or the sheriff of the county, at least two weeks before the time for said application, upon each owner and person interested in said lands so far as known, and upon the guardian of any minor or incompetent person interested therein, if to be found within the city or elsewhere in the county of Chippewa; and if any such guardian, owner or person interested in the premises shall not be found within the city or county of Chippewa, a copy of said notice and said resolution shall be posted upon the premises to be taken, the same length of time before making the application and return by the sheriff or city marshal of the service of posting of copies of said notice and resolution (which return shall be conclusive as to the matters therein stated), and an affidavit of the publication of said notice and resolution shall be filed with the said justice, before or at the time of making said application, and after the publication and service of posting of said notice, as aforesaid, the owners and all persons interested in any of the lands sought to be taken for said improvement, shall take notice of and be bound by all the subsequent proceedings without further notice, except as herein otherwise provided.

Proceedings
under appli-
cation.

SEC. 4. At the time appointed therefor in said notice and resolution, or at such other time as the proceedings shall be adjourned to by said justice, he shall, upon the application of the city attorney, cause the city marshal or sheriff of the county to make a list of the names of twenty-four disinterested freeholders residing in said city competent to serve as jurors. From said list the city attorney shall strike off six names, and the owner or owners and persons interested in said lands shall strike off six names, or, upon their failing to do so, the justice shall strike off such names for him or them; and thereupon the said justice shall issue a *venire*, directed to the city marshal or sheriff of the county, to summon the twelve persons whose names remain upon said list

Summoning
jury.

to appear before said justice at a time and place in said *venire* to be named, not less than three or more than six days from the date thereof, to make a jury to inquire of and determine the matters referred to in said resolutions and shall then adjourn the proceedings in the matter to the return day of said *venire*. Said *venire* shall be served by the city marshal or sheriff as in other cases of *venire*. Said jurors shall be liable for non-attendance the same as jurors summoned to appear in justices' courts, and may be excused for the same causes as jurors in those courts.

SEC. 5. At the time of making the application to the justice for the empaneling of the jury, and at all subsequent proceedings, any infant or incompetent person may be represented by his or her guardian appointed under the laws of this State; but if there should be no such guardian, or if no such guardian shall appear to represent such infant or incompetent person, the justice, before proceeding with the matter, shall appoint some disinterested person as guardian *ad litem*, to protect the interest of the person for whom he is so appointed.

How incompetent persons represented.

SEC. 6. If upon the return day of said *venire* a sufficient number of competent jurors shall not attend in answer to the summons, or if any shall be excused or set aside, the justice shall require the marshal or sheriff to summon immediately a sufficient number of other competent freeholders of the city until a panel of twelve qualified jurors shall be obtained. Each party, and every person having any (an) interest in any of the lands, shall have the right to challenge any juror for cause, and the justice shall determine as to the competency of the juror. Such juror shall be sworn to ascertain and determine the necessity of taking the parcel or several parcels of land sought to be taken for the purpose set forth in said resolution, and, if taken, to determine and award to each person entitled thereto the just compensation to be allowed for his or her interest in the land so taken.

Talemen and challenge of jurors.

Oath of jury.

SEC. 7. When the jury shall have been sworn, the city attorney shall deliver to them a copy of the said notice and resolution of the council, and a map or plat of the proposed improvement, showing the location and boundaries of each parcel of land sought to be taken and its position in relation to adjoining lands; and any person claiming an interest in any of the lands sought to be taken, although not named in said resolution as an owner or party interested, may then file with the justice a statement of his interest in, and a description of, the property in respect to which he claims compensation, and a copy of the same shall be delivered to the jury.

Copies of resolution, etc., to be delivered to jury.

SEC. 8. The jury shall then or at such other time as the justice shall direct, proceed to examine the premises sought to be acquired, and testimony may be produced before them under the direction of the court, as in cases of ordinary jury trials before justices of the peace, so far as applicable. Upon closing the testimony, the justice shall instruct the jury as to the provision of this chapter relating to their duties.

Jury to examine premises, etc.

SEC. 9. The jury shall consider upon each parcel of land

Each parcel to be considered separately and apportion damages.

described in the resolution of the council separately. If they shall find it necessary to take same for the purposes (purpose) of said improvement, they shall determine and award the compensation to be made therefor. If only a part of any lot or parcel of land shall be taken, they shall estimate the whole damages occasioned thereby, and also any special and particular benefit resulting to the remainder of the premises from the proposed improvement, and shall award as damages and compensation such sum only as shall remain after deducting said estimated benefit. If several persons shall have separate claims upon the same lot or parcel of land, as owners, mortgagees, lessees or otherwise, they shall apportion to each such share of the damages awarded as shall be just. Damages for taking the lands of any deceased person may be awarded to his estate.

Report of jury.

SEC. 10. The jury shall make a report of their determination and awards in writing. They shall describe therein, by metes and bounds, each piece or parcel of land which they shall find it necessary to take for the purpose of said improvement, and state the whole amount of damage (damages) occasioned by taking the same, the amount deducted therefrom, if any, for special benefits resulting therefrom, the improvement to the remainder of the lot or premises from which the part appropriated is taken, and the net amount awarded as damages and compensation therefor; the name of the owner and of any persons having separate claims thereon by mortgage, lease or otherwise, to whom said damages are awarded, and the amount awarded to each, and the date and the description of any mortgage, lease or lien by virtue of which such claim is made. When conflicting claims are made to any damage (damages) awarded, the jury, without deciding between the claimants, shall report the fact, their names and the amount awarded for the land. They shall report the lands, if any, as to which they fail to agree. Said report, signed by each juror, shall be returned to the justice within ten days after the impaneling of the jury.

City attorney to assist in making report.

SEC. 11. The city attorney shall give such assistance to the jury in making up their report as they may require. The justice shall enter said report and all the proceedings had in the cause before him in his docket.

Effect of disagreement.

SEC. 12. A disagreement of the jury as to one or more distinct parcels of land, shall not affect the awards and reports in which they have agreed; and, upon any such disagreement, the justice may, upon the motion of the city attorney, empanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree, and a new jury may in like manner be had as often as necessary. If any juror during the course of the proceedings shall be unable to discharge his duties, the justice may appoint another in his place who shall have the like qualifications, and be sworn and exercise the same duties as the other jurors of the panel.

SEC. 13. Upon filing the report and award made by any jury

with said justice, a copy thereof may be taken by the city attorney for the use of the council; and at any time thereafter and within forty days after the impaneling of the jury making the report, the justice, upon the application of the council, shall enter judgment of confirmation of the determination and awards therein made. Unless such application and confirmation shall be made within forty days, all proceedings upon that report and awards shall be at an end, and a new jury and new proceedings may be had as in the case of a disagreement of the jury. All parties interested in such report shall take notice of the confirmation thereof. Any such judgment of confirmation shall be final and conclusive as to all parties not appealing therefrom within the time prescribed in the next section.

Judgment of
confirmation,
etc.

SEC. 14. Any party aggrieved by the judgment of confirmation mentioned in the preceding section may, within ten days after the entry thereof, appeal therefrom to the circuit court for the county of Chippewa by filing with the justice a claim of appeal in writing, in which he shall set forth a description of the land in which he claims an interest, his interest therein, and all the errors relating to the proceedings and judgment of which he complains, and his objections, if any, to the amount of damages awarded, and at the same time filing with the justice a bond to the city in a penal sum of not less than three hundred dollars, with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars for making his return to the appeal.

Appeal.

SEC. 15. At the time of filing said claim of appeal the appellant shall present to the justice a statement, in the nature of a bill of exceptions, containing so much of the evidence, and other proceedings in the matter, as shall be sufficient to present the question to be raised upon the errors and objections alleged in the claim of appeal, and shall at the same time serve a copy thereof, and of the claim of appeal, upon the city attorney, who may propose amendments to said bill. Within ten days after said bill is presented said justice shall, if necessary, cause the same to be corrected according to the facts of the case, and sign the same; and within ten days thereafter said justice shall make and certify a return to said appeal, setting forth a transcript from his docket of all the proceedings, and the judgment of confirmation entered therein, and shall attach thereto the report of the jury, and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of said circuit court.

Bill of excep-
tions and
return of
justice.

SEC. 16. Upon filing the return of the justice, as mentioned in the preceding section, the circuit court shall have jurisdiction of the case, and upon the hearing thereof shall first consider the errors alleged in said claim of appeal; and if the proceedings are found invalid as to the party appealing on account thereof, the court shall remand the case, so far as affects the appellant, to said justice, and a new jury may be called and the like proceedings

Proceedings in
circuit court.

had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, the parties may proceed to trial by jury at the same term upon the question as to the amount of damages to be awarded; but the finding of the jury before the justice, as to the necessity of taking the land, shall be held to be conclusive. The appeal of one or more persons interested in any judgment of confirmation shall not in any way affect said judgment as to other persons interested therein who did not appeal.

Idem.

SEC. 17. Upon the dismissal of the appeal, or rendition of judgment after trial in the circuit court, said circuit court shall confirm the proceedings and right of the city to take and appropriate the lands of the appellant for the purpose mentioned in the resolution of the council. And unless the appellant shall recover judgment for at least twenty-five dollars more than the amount awarded to him before the justice, he shall pay costs to the city, otherwise the court shall award such costs to him as shall be just.

Costs.

Copies of proceedings, etc., evidence.

SEC. 18. Certified copies of any judgment of confirmation of the circuit court, or of the justice of the peace, after the same has become final, and of the report of the jury thereby confirmed, and records of such copies made in the book of street records in the office of the recorder, shall be presumptive evidence of the matters therein contained and of the regularity of all the proceedings to appropriate the property sought to be acquired, and to confirm the same.

Payment of awards.

SEC. 19. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall become final, the council may pay or tender to the respective persons the several amounts of damage and compensation awarded to them as finally confirmed; and in case any such person shall refuse the same, be unknown or a non-resident of the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may deposit the amount awarded in such case, with a statement of the facts relating thereto, in the treasury of the city, to the credit of the persons or person entitled thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages, or in taking possession of any property shall be occasioned by any doubt as to the ownership of the property, or as to the interest of the respective parties making claims thereto.

When title to vest in city.

SEC. 20. Upon the payment, tender or deposit mentioned in the preceding section, the fee of the land sought to be taken, with the appurtenances and the right to occupy the property sought to be used, shall vest in the city, and the council may convert and use the same. A certificate of the treasurer of such payment, tender or deposit, or a record of such certificate in the book of street records, or a certified copy thereof, shall be presumptive evidence of the matters therein stated, and of the ownership of the city in the lands and property taken.

SEC. 21. In all cases when any real estate subject to a lease or agreement shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation in the circuit court, or upon the confirmation by the justice when the same shall become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Lease, etc., to terminate on taking lands by city.

CHAPTER XXIII.

FINANCE AND TAXATION.

SECTION 1. The city council shall have power to raise annually by taxation upon the real and personal property in said city, taxable under the constitution and laws of the State, such sum of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers by this act granted.

Power of council to raise money by taxation.

SEC. 2. The fiscal year of said city shall commence on the first day of November in each year, unless otherwise provided by ordinance.

Fiscal year.

SEC. 3. The revenues raised by general tax upon the taxable property of the city, or by loan to be repaid by such tax, shall be divided into the following general funds:

General funds.

First, Contingent fund—To defray the contingent and other expenses of the city, for the payment of which from some other fund no provision is made;

Second, General street fund—To defray the expenses of opening, widening, extending, altering and vacating streets, alleys and public grounds, and for grading, paving, curbing, graveling and otherwise improving, repairing and cleaning the streets, alleys and public grounds of the city, and for the construction and repair of sidewalks and crosswalks, and for the care thereof;

Third, Fire department fund—To defray the expense of purchasing grounds, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of the city;

Fourth, General sewer fund—To defray the expenses of sewers, drains, ditches and drainage, and the improvement of water courses;

Fifth, Bridge fund—For the construction and maintenance of bridges;

Sixth, Water fund—For constructing reservoirs and cisterns and providing other supplies of water;

Seventh, Public building fund—For providing for public buildings, and for the purchase of land therefor, and for the erection, preservation and repair of any such buildings, city hall, offices, prisons, watch-houses, and hospitals as the council is authorized to erect and maintain, and not herein otherwise provided for;

Eighth, Police fund—For the maintenance of the police of the city, and to defray the expenses of the arrest and punishment of those violating the ordinances of the city;

Ninth, Cemetery fund;

Tenth, Interest and sinking fund—For the payment of the public debt of the city and the interest thereon;

Eleventh, Such other general funds as the council may from time to time constitute.

Special funds.

SEC. 4. Moneys raised by special assessment shall be known as special assessment funds, and shall constitute special funds for the purposes for which they were raised.

Taxation for
general fund
limited.

SEC. 5. The aggregate amount which the council may raise by general tax upon the taxable, real, and personal property in the city for the purpose of defraying the general expenses and liabilities of the corporation, and for all purposes for which the general funds mentioned in section three of this chapter are constituted, exclusive of taxes for schools and school-house purposes, shall not, except as herein otherwise provided, exceed in any one year, two per cent upon the assessed value of all the real and personal property in the city made taxable by law.

Taxation for
special fund
limited.

SEC. 6. In addition to the above amounts, the council may raise by special assessment, in any special assessment district, such sums as they may deem necessary to carry out the public improvement designed, but not exceeding in any one year five per cent on the assessed value of the property in the special assessment district as shown by the last preceding assessment roll of the city.

Taxation for
interest and
sinking fund
limited.

SEC. 7. The council may also raise such further sum annually, not exceeding three mills on the dollar of the assessed valuation of the property in the city, as may be necessary to provide an interest and sinking fund to pay the funded debts of the city and the interest thereon.

Controller to
cause annual
estimates to
be made.

SEC. 8. It shall be the duty of the comptroller to cause estimates to be made in the month of September, in each year, of all the expenditures, which will be required to be made from the several general funds of the city during the next fiscal year, for the payment of interest and debts to fall due or for lands to be acquired, buildings to be erected or repaired, bridges to be built, and for streets, the construction of sewers, making of improvements, and for the support of the police and fire departments, and for defraying the current expenses, and for every purpose for which any money will be required to be paid from any of the general funds during such fiscal year; and shall determine the amount required to be raised in the next general tax levy to meet any deficiencies for the current year. Also the amount or part of any special assessment levied during the preceding year but remaining unpaid, to be levied or re-assessed in the next general tax-rolls of the city upon lands in any special assessment district, or upon any parcel of land or against any particular person as a special assessment.

Annual appro-
priation bill,
when to be
passed, etc.

SEC. 9. Upon receiving said estimates, and in the said month of September, the council shall pass an ordinance to be termed the "Annual appropriation bill," in which they shall make provisions for and appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next

fiscal year, payable from the several general funds and from the special assessment funds as estimated, as provided in section eight of this chapter; and order so much of said amounts as may be necessary to be raised by tax with the next general tax-levy or by loan, or both, and to be paid into the several general funds and special assessment funds of the city. But the whole amount so ordered to be raised by tax or loan, or by both, shall not, except as herein otherwise provided, exceed the amount which the city is authorized to raise by general tax during the year. The council shall specify in such ordinance the object and purpose for which such appropriations are made and the amounts appropriated for each object or purpose. The council shall also designate in the appropriation bill the sums, if any, required to be levied to meet any deficiency for the current year, and the amount or part of any special assessment or other sum which they require to be re-assessed or levied with the next general tax, as mentioned in section eight of this chapter, and the disposition to be made of such moneys, and shall also designate in said bill any local improvements which they deem advisable to make during the next year, to be paid for in whole or in part by special assessment, and the estimated cost thereof.

What to specify.

SEC. 10. After the passage of the annual appropriation bill, no further sums shall be used, raised or appropriated, nor shall any further liability be incurred for any purpose to be paid from any of the general funds or special assessment funds during the fiscal year for which the appropriation was made, unless the proposition to make the appropriation shall be sanctioned by a majority vote of the electors voting upon the proposition at the next annual city election. But this section shall not prohibit the council from making any necessary repairs or expenditures at a cost not exceeding five thousand dollars, the necessity for which is caused by casualty or accident happening after making the annual appropriation for the year and from loaning the money therefor.

When further appropriations may be made.

SEC. 11. No public work or improvement or expenditure shall be commenced, nor any contract therefor be let or made, except as herein otherwise provided, until a tax or assessment shall have been levied to pay the cost and expense thereof, and no such work or improvement shall be paid for, or contract be paid for, except from the proceeds of the tax or assessment thus levied.

Improvements not to be commenced, etc., until tax assessed for payment of same.

SEC. 12. The council shall also have authority to raise moneys by loan, in anticipation of the receipts from special assessments for the purpose of defraying the costs of the improvement for which the assessment was levied. Such loan shall not exceed the amount of the assessment for the completion of the whole work.

Money may be raised by loan in anticipation of special assessments.

SEC. 13. Should any greater amount be required in any year for the purpose of erecting public buildings, or for the purchase of ground therefor, or for other public improvements or purposes, to be paid for from the general funds of the city, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a majority vote of the

How additional amounts to be raised for buildings, etc.

electors voting upon the question at an annual city election. The amount that may be voted or raised in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the city as shown by the last preceding tax-rolls made therein.

Ordinance required to submit proposition to vote.

SEC. 14. The proposition to raise such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the proposed expenditure, the amount proposed to be raised therefor, and whether by tax or loan. Such ordinance or resolution shall be passed and published in one of the newspapers of the city, and copies thereof be posted in five of the most public places in each ward of the city, at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot.

All moneys to be applied to purpose for which raised.

Transfer of funds.

SEC. 15. All moneys and taxes raised, loaned, or appropriated for the purposes of any particular fund, shall be paid in and credited to such fund, and shall be applied to the purposes for which such moneys were raised and received, and to none other; nor shall the moneys belonging to one fund be transferred to any other fund, or be applied to any purpose for which such other fund is constituted, except when there shall be a surplus in any general fund at the close of any fiscal year, in which case the surplus may be transferred to the sinking fund, should there be a deficiency in that fund, otherwise the council may apply such surplus as they shall deem proper. Moneys not received or appropriated for any particular fund shall be credited to the contingent fund.

How money drawn from treasurer.

SEC. 16. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the recorder. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

Certain warrants void.

SEC. 17. No warrant shall be drawn upon the treasury, after the fund from which it should be paid has been exhausted; nor when the liabilities outstanding, and previously incurred and payable from such fund are sufficient to exhaust it. Any warrant, draft or contract, payable by the provisions of this act from any particular fund, excepting bonds given for loans herein authorized, and issued or made after such fund has been exhausted by previous payments or by previous liabilities payable from such fund, shall be void as against the city.

Loans and bonds.

SEC. 18. No loans shall be made by the council, or by its authority in any year, exceeding the amounts prescribed in this act. For any loans lawfully made, the bonds of the city may be issued, bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the comptroller. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

SEC. 19. Immediately upon the close of the fiscal year, the council shall audit and settle the accounts of the city treasurer and other officers of the city, and the accounts also, as far as practicable, of all persons having claims against the city or accounts with it not previously audited, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised during the preceding year for all purposes, and the amount raised for each fund, the amount levied by special assessments, and the amount collected on each; and the amount of money borrowed, and upon what time and terms and for what purpose; also the items and amounts received from all other sources during the year, and the objects thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and what rate of interest, the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Annual settlement of financial matters and statement.

SEC. 20. Said statement, signed by the mayor and clerk or comptroller, shall be filed in the office of the recorder, and a copy thereof published in one of the newspapers of the city on or before the first day of December following.

Statement to be filed and published.

SEC. 21. If any officer of the corporation shall, directly or indirectly, appropriate or convert any of the moneys, securities, evidences of value, or any property whatsoever, belonging to the corporation or any board thereof, to his own use, or shall, directly or indirectly and knowingly, appropriate or convert the same to any other purpose than that for which such moneys, securities, evidences of value, or property may have been appropriated, raised or received, or to any purpose not authorized by law, he shall be deemed guilty of willful and corrupt malfeasance in office, and may be prosecuted, tried and convicted therefor, and on conviction may be punished by fine not exceeding one thousand dollars, or by imprisonment in the State prison for a period not exceeding three years, or both, in the discretion of the court.

Officers appropriating money, etc., to wrong use, guilty of malfeasance in office.

CHAPTER XXIV.

ASSESSMENT AND COLLECTION OF TAXES.

SECTION 1. The provisions of the general law of the State of Michigan being entitled "An act to provide for the assessment of property and the levy and collection of taxes thereon," approved June ninth, eighteen hundred and eighty-five, being act number one hundred and fifty-three of the session laws of eighteen hundred and eighty-five, and all other provisions of the general statutes of the State upon the subject of taxation, as they now exist or may hereafter exist, shall apply to and govern in the assessment and collection of the general taxes in said city, and in

General laws to apply to assessment and collection of taxes.

Exceptions.

the return and sale of property delinquent therefor (except as herein otherwise provided) shall also apply and govern in respect to the powers, duties and liabilities of officers, and the rights, duties and liabilities of persons and property touching and concerning such taxes, and shall have the same force and effect in said city as in the several townships of this State so far as the same may be applicable, except as herein otherwise provided.

Assessor, powers and duties of.

SEC. 2. The comptroller shall be the assessor of the city for all purposes of taxation. As such assessor he shall possess all the powers, discharge all the duties, and be subject to all the liabilities in, for, and to the city, that are conferred and imposed upon supervisors in townships by the provisions of the acts mentioned and referred to in the preceding section, in relation to the assessment and taxation of persons and property, so far as the same may be applicable, and except as herein otherwise provided. He shall in each year prepare a general assessment roll for the city, and complete the same before the time hereinafter fixed for the first meeting of the board of review in each year.

Statement to be delivered to comptroller.

SEC. 3. For the purpose of better enabling the comptroller to prepare such assessment roll, it shall be the duty of each taxable person, when called upon by the comptroller, to forthwith make and deliver to said comptroller a full and true statement of the taxable property belonging to him, according to the provisions of the statutes in such cases made and provided. In every case where any person shall neglect or refuse to make out and deliver the statement of his personal property, moneys and credits, the said comptroller is hereby authorized to examine on oath the person so refusing, and any other person or persons he may see fit, in relation to the property and credits of such person.

Assessment of persons residing in city only part of the time.

SEC. 4. If any person residing in the city a part of the time during the year shall, in the opinion of the comptroller, unjustly or falsely claim exemption from taxation therein, on the ground that he or she has a residence and is taxed or liable to taxation elsewhere than in said city, the comptroller shall, notwithstanding, assess such person for such amount of personal property as in his opinion shall be just, and such assessment shall be conclusive as to the liability of such person to be assessed and to pay the tax levied in pursuance thereof, unless such person shall present to the officer requiring payment of such tax a certificate of the assessing officer of the place where such person claims to reside, and also by the affidavit of the person charged with the tax, showing that such person has been assessed upon all of the same property for the same year.

Form of the assessment roll.

SEC. 5. The comptroller shall set down in the general assessment roll the name of each resident person liable to be taxed in said city, and also a full description of his real estate, the number of acres in each tract or parcel, as near as may be (except as otherwise provided by the general tax law of the State of Michigan), the value of each tract, lot or parcel, and the aggregate value of the personal estate of such person liable to be taxed in said city. The money upon which such person pays interest.

together with his other *bona fide* indebtedness, shall be deducted from his money at interest and other credits. The comptroller shall also set down in said roll the name of any other person liable to be taxed for personal property within said city and the value of such personal property. All land in said city not occupied and not claimed to be owned by any resident of the city may be assessed as non-resident lands, and it shall be the duty of the comptroller to enter the same on a part of the roll separate from that upon which the estates of residents are entered. When real estate is occupied it may be assessed to the occupant or supposed owner or person exercising control over the same. When a person is assessed as a trustee, guardian, executor or administrator, a designation of his representative character may be added to his name, and such assessment shall be entered on a separate line from his individual assessment. The comptroller in making such assessment roll, and the board of review in revising and correcting same, shall estimate all property at its true cash value, as defined in section seventeen of public act number one hundred and fifty-three, of session laws of eighteen hundred and eighty-five. Two weeks before the time hereinafter fixed for the first meeting of the board of review in each year, the comptroller shall cause a notice of the time and place of such meeting to be given by publishing the same for two successive weeks in the official newspaper, and by posting the same in each ward of said city.

Who real estate
to be assessed
to.

Property to be
estimated at
cash value.

Notice of meet-
ing of board of
review.

SEC. 6. The board of review shall consist of the comptroller, recorder, the aldermen of said city whose terms of office soonest expire, and city attorney, four of whom shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. Said board shall meet on the third Monday in June at the council chamber in said city, at which time the comptroller shall submit to said board the general assessment roll. During the first three days, commencing on said day, said board may, of their own motion, revise said assessment roll, and may increase or diminish valuations therein, add the names of persons and descriptions of property improperly omitted from said roll, and affix the valuations of such property, and they shall correct all errors and supply all deficiencies found therein. Said board shall continue its sessions after the said first three days during the rest of said week at the same place, and upon the request of any person, his agent or attorney, considering himself aggrieved, or sufficient cause being shown, may reduce the assessment in such amount as to said board shall appear just and equal; they may examine on oath any person touching the matter. After the expiration of the first three days during which the board is required to sit, it shall have no power to make any change in said roll, except as in this section otherwise provided. Said board shall continue in session at least one week, and as much longer as may be necessary. Any member of said board may administer an oath and examine witnesses in relation to the matters requiring investigation before said board; said board shall keep a record of its proceedings in reducing or increasing the valuation of any property assessed upon such roll.

Board of
review.

Meeting of.

Proceedings by.

Members of
board may
administer
oath.

Statement to
be endorsed
on roll.

SEC. 7. After said board of review shall have completed the revision of said roll, said comptroller shall endorse and sign a statement upon said roll to the effect that the same is the general assessment roll of said city for the year in which it has been prepared, as approved by the board of review; said statement may be in the following form, viz:

Form of
statement.

General assessment roll of the city of Sault Ste. Marie for the year A. D. 18--., as approved by the board of review.

Dated ...

J. D.,

Comptroller.

When roll pre-
sumed to be
valid.

Upon the completion of said roll, and the endorsement of same in the manner aforesaid, the same shall be conclusively presumed by all courts and tribunals to be valid, and to have been made according to law; the comptroller shall then cause a copy thereof to be made, and such copy shall be used and known as the tax-roll for the city of Sault Ste. Marie.

Copy of roll to
be tax roll.

Equalization
of roll by board
of supervisors
of Chippewa
county.

SEC. 8. The said roll shall be presented to the board of supervisors for Chippewa county at their annual meeting in October in each year; and the same proceedings relative to equalizing the said roll, and apportioning to said city its relative proportion of State and county taxes, shall be had as if the said roll was that of a township in said county.

Certificate of
school taxes,
etc.

SEC. 9. On or before the third Monday in September, the trustees of the graded school district which comprises said city, shall cause to be certified to the comptroller the amount of taxes voted to be raised for school purposes at the annual meeting of said district.

Assessing
taxes.

SEC. 10. Upon the equalizing of the said assessment roll by the board of supervisors of Chippewa county, the comptroller shall proceed to assess the taxes apportioned to the city according to, and in proportion to the valuation entered by the board of review in the assessment roll of the city for the year: *Provided*, That if the board of review make no such entry, then on the valuation therein as entered by the comptroller, and he shall enter the State and county taxes in separate columns, headed respectively "State Tax," "County Tax." He shall also add together the several amounts directed to be raised by general taxation in the city as shall appear by the general appropriation bill for that year; and he shall assess the same according and in proportion to the valuations entered upon said roll in a separate column, headed "City Taxes." He shall assess in like proportion in a separate column headed "School Tax" the taxes voted to be raised for school purposes, as certified to him in the manner provided by section nine of this chapter. He shall likewise assess the one mill tax in a separate column, headed "One Mill Tax." He shall further assess and levy in the same roll, in a separate column or columns, headed "Special Assessments," upon the lands, property and persons chargeable therewith, all special assessments ordered in the general appropriation bill of the city for that year, to be spread upon said roll. For the purpose of avoiding frac-

proviso.

tions in excess of any such taxes, the comptroller may add to the several amounts to be raised not more than one per cent. Such excess shall belong to the contingent fund of the city. The total of all taxes assessed against any one valuation or parcel of property shall be footed up and carried out in the last column upon the right hand side of such roll. All the taxes there assessed shall become at once a debt to the city from the persons to whom they are assessed, and all personal taxes shall also be a lien upon all personal property of such persons so assessed from and after the first day of December in each year, and shall take precedence of any sale, assignment of a chattel mortgage, levy or lien on such personal property executed or made after such first day of December, except when such property is sold in the regular course of trade. The amounts assessed on any real property shall on the first day of December become a lien on such real property, and the lien for such amounts and for all interest and charges thereon shall continue until payment thereof.

To avoid fractions one per cent may be added, etc.

Taxes, when assessed, to be a lien after December 1st.

SEC. 11. The comptroller shall thereupon prepare a copy of the said assessment roll, with the taxes assessed as hereinbefore provided, and annex thereto a warrant signed by him, commanding the city treasurer to collect the several sums mentioned in the last column of such roll, and to retain in his hands the amount receivable by law into the city treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of February then next; and the said warrant shall authorize the treasurer, in case any person named in the assessment roll shall neglect or refuse to pay the tax assessed to him, to levy the same by distress and sale of the goods and chattels of such person. The comptroller may make a new roll and warrant in case of the loss of the one given by the county treasurer.

Copy of roll, with warrant annexed to be made.

SEC. 12. The comptroller shall, on or before the fifteenth day of November, notify the city treasurer of the amount of the State and county tax as apportioned to the city; and he shall give to the county treasurer the bond required in like cases of township treasurers, and shall take the county treasurer's receipt therefor and deliver the same to the comptroller on or before the first day of December. The comptroller shall thereupon, and on or before the first day of December, deliver to the city treasurer the tax-roll for said city.

City treasurer to give bond to county treasurer and receive tax roll.

SEC. 13. In collecting the taxes appearing on said roll the city treasurer shall proceed in the same manner, and be governed by the same provisions of law as are applicable to township treasurers, except as herein provided. He may add to all taxes and collect the same percentage for collection fees as are allowed to township treasurers.

Collection of taxes.

SEC. 14. All the provisions of law respecting delinquent taxes levied in townships shall apply to all taxes levied in said city, and be returned as delinquent to the county treasurer; and the city, in respect to taxes levied therein and returned to the county

Delinquent taxes.

treasurer as delinquent, shall, except as herein otherwise provided, be considered and treated as a township; and all provisions of law for the sale of lands or the payment of taxes levied for State, county and township purposes and returned delinquent, shall apply to the return and sale of property for the non-payment of delinquent taxes levied in the city, except as herein otherwise provided.

CHAPTER XXV.

EDUCATION.

City to be a school district subject to general laws.

SECTION 1. The city shall be a school district under the name of the School District of Sault Ste. Marie, which district shall be a body corporate for school purposes, and as to all matters pertaining to public schools it shall be subject to and be governed by the laws of the State of Michigan relative to the system of graded schools.

Trustees.

SEC. 2. The trustees of graded school district number one, township of Sault Ste. Marie, shall be the trustees of the school district of Sault Ste. Marie, until their successors are elected and qualified.

Duties of board of trustees.

SEC. 3. In addition to the duties devolving upon the board of trustees of said school district, they shall perform all the duties performed by the board of school inspectors in townships, and the moderator in said district shall meet with the chairmen of the boards of school inspectors of the several townships in Chippewa county, for the purpose of electing school examiners for said county, and he shall have the same rights and powers as the chairmen of said boards.

Appeals from board to be made to council.

SEC. 4. Whenever, by the general laws of the State, an appeal is had from the action of the board of trustees of said district, appeal may be made to the city council, which shall in respect thereto have the same powers as are given to the town boards of townships in this State.

CHAPTER XXVI.

FIRE DEPARTMENT.

Council may establish, etc., fire department, make rules to govern, etc.

SECTION 1. The council shall have power to enact such ordinance, and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fire, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employés, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department, and prescribing the powers and duties of such employés, firemen and officers.

SEC. 2. The council may purchase and provide suitable fire engines and such other apparatus, instruments and means for the use of the department as may be deemed necessary for the extinguishment of fires; and may sink wells and construct cisterns and reservoirs in the streets, public grounds, and other suitable places in the city; and make all necessary provisions for a convenient supply of water for the use of the department.

May procure
fire apparatus,
etc.

SEC. 3. The council may also provide or erect all necessary and suitable buildings for keeping the engines, carriages, teams and fire apparatus of the department.

May erect
engine houses,
etc.

SEC. 4. The engineer of the fire department shall be the chief of the department and subject to the direction of the mayor; shall have the supervision and direction of the department and the care and management of the fire engines, apparatus and property, subject to such rules and regulations as the council may prescribe; and the council may appoint such assistant engineers and other officers of the department as may be necessary.

Engineer of
fire department,
power and duty
of.

SEC. 5. The fire engineer, mayor, chief of police, and any alderman or officer of the fire department, may command any person present at a fire to assist in the extinguishment thereof and to aid in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or any other lawful order and direction of any such officer, the officer giving the order may arrest or direct any policeman or citizen to arrest such person and confine him temporarily until the fire shall be extinguished, and in addition thereto he shall be punished in such manner as may be prescribed by the ordinance (ordinances) of the city.

Certain officers
may command
assistance at
fires, etc.

SEC. 6. The council may provide by ordinance for the appointment of and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them from time to time of the stoves, furnaces and heating apparatus and devices in all the dwellings, buildings and structures within the city, and in all places where inflammable or explosive substances are kept; and to cause all such as are unsafe with respect to fire to be put in a safe condition.

Fire wardens,
appointment,
duties, etc., of.

SEC. 7. The council may prescribe by ordinance, from time to time, limits or districts within the city within which wooden buildings and structures shall not be erected, placed, enlarged, and direct the manner of constructing buildings within such districts with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed.

Fire limits, etc.

SEC. 8. The council may also prohibit within such places or districts as they shall deem expedient, the location of shops; the prosecution of any trade or business; the keeping of lumber yards, and the storing of lumber, wood or other easily inflammable material in open places, when in the opinion of the council the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils and other combustible and explosive substances, and the use of lights in buildings; and generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

Location of
shops, lumber
yards, etc.

Certain buildings declared to be nuisances, etc.

SEC. 9. Every building or structure which may be erected, placed, enlarged or kept, in violation of any ordinance or regulation made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by direction of the council.

Compensation of officers and employés of fire department.

SEC. 10. The officers, firemen and employés of the department shall receive such compensation as the council may prescribe, and during their term of service shall be exempt from serving on juries. The council may provide suitable compensation for any injury which any fireman may receive to his person in consequence of the performance of his duties at any fire.

Who may cause buildings to be pulled down, etc., at fires.

SEC. 11. The engineer in charge of the department at any fire, with the concurrence of the mayor or any two aldermen, may cause any building to be pulled down or destroyed, when deemed necessary, in order to arrest the progress of the fire, and no action shall be maintained against any person or against the city therefor; but if any person having an interest in the building shall appeal to the council, within three months after the fire, for damages or compensation for such building, the council may, in their discretion, pay him such compensation as may be just; they may ascertain such damage by agreement with the owner, or by the appraisal of a jury, to be selected in the same manner as in case of juries to appraise damages for taking private property for public use; and the council may cause the amount of any damages determined upon to be defrayed by a special assessment upon the property which, in their opinion, was protected or benefited by the destruction of such building; which said special assessment shall be levied and collected in the same manner as other special or local assessments authorized by this act, but no damages shall be paid for the amount of any loss which would probably have occurred to such building if it had not been pulled down or destroyed.

Compensation for buildings pulled down, etc.

Provisions for prevention of fires from water crafts.

SEC. 12. The council of said city may by ordinance prescribe such regulations to be observed by owners, masters and employés of steamboats and water craft, upon any navigable waters adjacent thereto, as may be necessary for the prevention of fires in the harbor, and to prevent the communication of fire from such boats and craft; and may prescribe in such ordinance the manner of collecting any penalties imposed thereby.

CHAPTER XXVII.

WATER—WORKS.

Control of waterworks.

SECTION 1. The system of water-works, including all buildings, machinery, pumps, hydraulic machinery, distributing pipes, and other apparatus pertaining thereto, belonging to the village of Sault Ste. Marie, shall be and become the property of the city of Sault Ste. Marie upon the taking effect of this act, and the same shall be subject to the control of the city council under

such rules and regulations as they may establish. The members of the board of water commissioners of said village shall continue in office after the taking effect of this act until their successors are appointed, and shall perform all the duties and exercise all the powers given them to perform or exercise under the ordinances of said village by which said board was created, the same as if this act had not been passed: *Provided, however,* That nothing herein contained shall be construed as prohibiting the city council from amending or repealing said ordinance, or abolishing said board in the same manner as other ordinances might be amended or repealed.

Water commissioners.

Proviso.

SEC. 2. The city may purchase, erect and maintain reservoirs, canals, aqueducts, sluices, and such other buildings, engines, water-wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenances and machinery, and may acquire, purchase and own such other grounds, real estate, rights and privileges as may be necessary for the maintenance and extension of such system of water-works.

City may purchase, etc., reservoirs, etc.

SEC. 3. It shall be lawful for the said city, subject to the provisions of this act, to borrow any sum of money, to be used exclusively for the purpose of maintaining and enlarging such system of water-works, as provided in the last preceding section: *Provided,* That the total sum borrowed and raised by tax the first year shall not exceed five per cent of the assessed valuation of the city, as contained in the last preceding assessment roll of same: *And provided,* That not more than three per cent shall be borrowed during any one year thereafter, and the rate of interest shall not exceed seven per cent upon any indebtedness contracted under the provisions of this chapter. The council shall have power to fix the time and place of payment of the principal and interest voted under the provisions of this chapter, and to issue the bonds or other evidence of indebtedness of the city. Before any money shall be borrowed, appropriated, raised or expended for the extension of the water-works as provided herein, the council shall cause to be made an estimate of the expense thereof, and the question of raising the amount required for said purpose shall be submitted to the electors of the city at its annual election, or at a special election called for that purpose by the council in the manner provided herein for calling special elections, and shall be determined as a majority of the electors voting at such election by ballot shall decide.

City may borrow money for waterworks.

Proviso.

Payment of principal and interest.

Question of borrowing money to be submitted to vote of electors.

SEC. 5. The council may provide for the appointment of a commission or board, consisting of three members, to be known as the board of water commissioners of such city, the term of at least one member of which board shall expire yearly, to take the charge and management of such water-works, in the manner and to the extent which shall be prescribed by the ordinances of the city.

Board of water commissioners, appointment, etc., of.

SEC. 6. The connecting or supply pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupants of the build-

Supply pipes to be kept in repair, etc., by owners, etc.

ing or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the council or such other authority as may be prescribed by ordinance. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance, unless authority be given to the board of water commissioners to prescribe the manner of construction and connecting thereof, in which case it shall be as they may prescribe or direct.

Water rents.

SEC. 7. The council or board of water commissioners, if authority be given them by ordinance for that purpose, shall establish a scale of rents to be charged and paid for supply of water, to be called "water rents" and appropriate to the different classes of buildings in the village, with reference to their dimensions, value, exposure to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and all other buildings, establishments and trades, yards, number of families and occupants for the consumption of water, as near as may be practicable, and from time to time either modify, amend, increase or diminish such rents; and the council may prescribe by ordinance when and to whom such rents shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make such payment.

Care, control, etc., of water-works.

SEC. 8. The council may enact such ordinances as may be necessary for the care, protection, preservation and control of the water-works, and of the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and carry into effect the provisions of this chapter and the powers therein conferred in respect to the management and control of such water-works.

Extension of works beyond city limits.

SEC. 9. If the council shall deem it for the public interest, such water-works may be extended and maintained beyond the corporate limits of the city, and in such case the council shall have authority to enforce beyond the corporate limits of the city, within the county within which such city is situated, and over the buildings, machinery and other property belonging to and connected with such water-works, in such manner and to the same extent as if they or it were within the city, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

Pipes, etc., may be laid in any road or street in Chippewa county.

SEC. 10. For the purpose of constructing and maintaining such water-works, the city shall have the right to use the ground or soil under any street, highway or road within the county within which such city is situated for the purpose of introducing water into and through any and all portions of the city, on condition that it shall cause the surface of such street, highway or road to be re-laid and restored to its usual state, and any damage done thereto to be repaired, and such rights shall be continuous for the purpose of repairing or re-laying water pipes upon like conditions.

SEC. 11. If it shall be necessary in the judgment of the coun-

cil to appropriate private property for the maintenance and extension of said system of water-works as provided in this chapter, the right to keep and hold the same, and the ownership therein and thereof, may be acquired by the city in the manner and with like effect as provided in this act, or by the general laws of this State for the taking of private property for public use.

Appropriation of private property for use of water works.

CHAPTER XXVIII.

MISCELLANEOUS.

SECTION 1. All process against the city shall run in the corporate name thereof, and may be served by leaving a certified copy with the mayor or recorder at least ten days before the day of appearance mentioned therein.

Process against city, form and service of.

SEC. 2. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within the city, except by permission and approval of the council by resolution passed for that purpose, nor until the proprietor shall file with the recorder a correct survey, plan, and map of such grounds, and the subdivisions thereof, platted and subdivided as approved by the council, and made to their satisfaction; also showing the relative position and location of such lots, streets and alleys of the city; nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of register of deeds of Chippewa county until a certificate has been endorsed thereon by the recorder, under the seal of the city, showing that such plat and declaration have been approved by the council; nor shall the city, by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys, excepting such as the council shall accept and confirm by ordinance.

Plots of additions, etc., to be approved by council, etc.

SEC. 3. All acts and parts of acts heretofore passed in relation to the incorporation of the village of Sault Ste. Marie are hereby repealed, subject to the provisions of section twelve of this chapter, but nothing herein contained shall be construed to destroy, impair or take away any right or remedy acquired or given by an [any] act hereby repealed, and all such proceedings commenced under such former act or acts shall be carried out and completed. All lands within the limits of said village, upon which village taxes may be delinquent, shall be advertised and sold by the city treasurer, in the same manner as the same might have been sold had this act not have been passed. All prosecutions for any offense committed, or penalty or forfeiture incurred, shall be imposed in the same manner and with the same effect as if this act had not been passed, but nothing in this section contained shall be construed to annul or impair of effect any ordinance, by-law, resolution or proceedings not inconsistent with the provisions of this act, but the same shall continue and remain in full force until the same are amended or repealed, as fully as though this act had not been enacted.

Acts repealed.

Delinquent tax lands may be sold by city, etc.

Prosecutions, etc., to continue.

Rights, interests, etc., of the village of Sault Ste. Marie to belong to the city.

City liable for debts, etc., of village.

Township of Sault Ste. Marie to continue, etc.

Inspectors of election.

Notice of election.

Registering electors, etc.

Board of registration.

SEC. 4. All personal and real estate, franchises, credits and effects whatever, and all or every right or interest therein belonging to the village of Sault Ste. Marie under and by virtue of any former acts, and all demands due and to grow due to the same, shall hereafter fully and absolutely belong to the corporation created and continued by this act, saving, nevertheless, to all and every person his or their just rights therein; and to the end that all and singular the estates and rights aforesaid may be fully vested in the corporation hereby created and continued, every person who is or shall be possessed thereof shall deliver the same to the city of Sault Ste. Marie, with all the evidences touching the same, and said corporation may bring suit in its corporate name for the recovery of the same, and the corporation hereby created and continued shall be liable to pay all just debts due from or claims or demands against the village of Sault Ste. Marie as heretofore [heretofore] existing; and all contracts heretofore [heretofore] made or entered into by the corporate authorities of the village of Sault Ste. Marie shall be and the same are made binding and obligatory upon the corporation hereby created and continued, the same as if this act had not been passed.

SEC. 5. The township of Sault Ste. Marie shall be, remain and continue, in all respects, as immediately before the taking effect of this act, except that it shall not include within its territorial limits the territory embraced within the limits of the city of Sault Ste. Marie, and the officers of said township shall exercise no jurisdiction and control within the limits of said city. All officers of the township of Sault Ste. Marie residing within the limits of said city, except justices of the peace, shall continue to discharge the duties of such officers until their successors are elected and qualified.

SEC. 6. At least ten days before the first election in and for said city, the council or board of trustees of the village of Sault Ste. Marie shall appoint three persons in each ward as inspectors of such election therein, and cause notice to be given by the village clerk by hand-bills posted in ten of the most public places in each ward, and by publication in one or more newspapers printed in the city, of the time and places in each ward of holding such election, of the city and ward officers to be elected, and of the place in each ward where the said inspectors of election shall meet on the Thursday, Friday and Saturday next preceding the election, to make a register of the electors in the said corporation, and that no person, unless registered in said registry, can be permitted to vote at such election. Said council or board of trustees shall also procure books of registry of the form required by law for the registration of electors in cities and deliver them to said inspectors.

SEC. 7. The inspectors of election appointed, as provided in the preceding section, shall constitute the board of registration for their respective wards, for the purpose of making the first registry of electors therein. They shall take and file with the village clerk the oath of office required in this act to be taken by

city officers, and shall meet in their respective wards on the dates and places appointed in the notice mentioned in the preceding section, and there make a registry of all persons in the wards qualified by law to be registered as electors therein. In making such registry they shall proceed in the manner provided by law for making the registry of electors in cities. Such registry when completed shall be the registry of electors of the several wards of the city.

Making registry.

SEC. 8. Said inspectors shall be inspectors of such first election in their respective wards, and shall have the same powers and perform the same duties at the election and in respect to the canvass of votes, and in making and returning written certificates of the votes cast, and for whom given, as are required of the inspectors of the annual city elections provided for in this act, except that said written statements and certificates shall be deposited with the village clerk of the village of Sault Ste. Marie; and the village council or board of trustees shall perform the same duties in respect to the canvass of votes and returns, and in determining and certifying what persons are elected to office, and in notifying such persons of their election as are required of such clerk and council in said annual elections.

Powers and duties of inspectors of election.

Where statements, etc., to be deposited, etc.

SEC. 9. There shall be no annual election in the village of Sault Ste. Marie on the second Monday in March, in the year of our Lord eighteen hundred and eighty-eight, but all village officers whose terms of office would then expire, shall remain in office and exercise the powers and duties thereof until the city officers and members of the council first elected under this act, or a majority of them, shall enter upon the duties of their office [offices].

No annual election to be held in the village of Sault Ste. Marie in 1888.

SEC. 10. The annual meeting of the township of Sault Ste. Marie for the year eighteen hundred and eighty-eight, shall be held at such public place in said township as shall be designated by the town board of said township, at least three weeks before the date of holding said election, and notice thereof shall be posted in at least five public places in said township, and published in one or more newspapers of the village of Sault Ste. Marie, for at least three weeks prior to the holding of said election.

Where annual meeting of the township of Sault Ste. Marie to be held in 1888.

SEC. 11. This act shall be deemed a public act, and shall be favorably construed in all courts and places whatsoever. The Legislature may at any time modify, alter, amend or repeal the same.

This act deemed public, etc.

SEC. 12. This act shall not be deemed to take effect until the first Monday of April, in the year of our Lord eighteen hundred and eighty-eight, at which time the first election thereunder shall be held, and the said village of Sault Ste. Marie, and all the provisions of law having relation thereto, are hereby continued until said date or until the city government provided for in this act shall go into operation.

When this act to take effect.

Approved June 21, 1887.

[No. 534.]

AN ACT to authorize the township of Porter, in the county of Midland, State of Michigan, to borrow money for the payment of the outstanding township and highway orders, or other indebtedness, and issue its bonds therefor.

Authorized to
borrow money
and issue bonds.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Porter, in the county of Midland, State of Michigan, is hereby authorized and empowered to borrow a sum of money not exceeding one thousand dollars, on the faith and credit of said township and issue its bonds therefor, payable at a time or times not exceeding five years from the date thereof, and at a rate of interest not exceeding seven per centum per annum, which money shall be expended for the payment of any outstanding township and highway orders, or other indebtedness of said township, which has been legally contracted: *Provided*, That a majority of the qualified electors of said township shall vote in favor thereof.

Proviso.

Tax provided
for payment of
bonds and inter-
est.

SEC. 2. It shall be the duty of the said township board of said township to provide by tax for the payment of the interest accruing on said bonds as it shall become due, which tax shall be in addition to, and shall be levied and collected in the same manner as the taxes which the township board now is or may hereafter be authorized to levy; and it shall be the duty of the township board of said township to provide for the payment of said bonds, at the maturity thereof, by tax upon the taxable property of said township as now organized.

Amount of
bonds, limited,
etc.

SEC. 3. Said township board shall not issue the said bonds in excess of the amount necessary to pay the outstanding indebtedness, and shall not sell or dispose of any bond or bonds at less than their face value, and then only upon a majority vote of the electors of said township.

Special meeting
to vote on ques-
tion, how called,
etc.

SEC. 4. The question of issuing the said bonds, provided for in section one of this act, shall be submitted to a vote of the qualified electors of said township at a special township meeting in said township, to be called or ordered by the township board of said township, at any time after the taking effect of this act, by said township board's giving at least ten days' notice of such township meeting, by posting written or printed notices thereof in four public places in said township. Said special township meeting shall in every respect be conducted as annual township meetings are now required to be conducted by law, and the electors voting in favor of the issuing of said bonds shall have written or printed, or partly written and partly printed on their ballots, "For issuing township bonds—Yes," and those voting against issuing such bonds shall have written or printed, or partly written and partly printed on their ballots the words, "For issuing township bonds—No;" and if upon canvassing such ballots it shall be found a majority of said ballots have upon them the words, "For issuing township bonds—Yes," then said township board shall be

Form of ballots.

authorized to issue the bonds of said township as provided for in the first section of this act.

This act is ordered to take immediate effect.

Approved June 21, 1887.

[No. 535.]

AN ACT to amend act number two hundred and eighty-two of the local acts of eighteen hundred and seventy-five, entitled "An act to revise the charter of the city of Lansing," approved March twenty-five, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof, by adding thereto a new title to stand as title seventeen, and to repeal sections one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve of title twelve of said act.

SECTION 1. *The People of the State of Michigan enact, That* Title added.
act number two hundred and eighty-two of the local acts of eighteen hundred and seventy-five, entitled "An act to revise the charter of the city of Lansing," approved March twenty-five, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof, be and the same is hereby amended by adding thereto a new title to stand as title seventeen and to read as follows:

TITLE XVII.

TAKING PRIVATE PROPERTY FOR PUBLIC USE.

SECTION 1. Private property may be appropriated for public use in said city for the purpose of opening, widening, altering and extending streets, alleys and avenues, for public grounds, parks, market places and spaces, for public buildings, jails, hospitals, pest-houses and public cemeteries; for water-works, sewers, drains and ditches; for buildings and structures for the fire department, and for the improvement of water-courses and rivers; but such property shall not be taken therefor without the consent of the owner, except with the concurrence of two-thirds of all the aldermen elect, and in the manner hereinafter provided. For what purposes private property may be taken by the city.
How may be taken.

SEC. 2. Whenever the common council shall deem it necessary for the use and benefit of the public to make any such improvement, and to take private property therefor without the consent of the owner, said council shall so declare by resolution, describing such property and designating the purpose for which it is to be taken, and shall appoint a subsequent regular meeting of the council for the hearing of objections to the proposed improvement, and to the taking of the described property for the designated purpose, and to any other matter or thing in such resolution contained. Notice of such meeting and hearing shall When necessary to take without consent of owners.
Council to declare by resolution, etc.

Notice of hearing.	be given by the city clerk to all persons interested generally, without naming them, by publication in a newspaper published and circulated in said city once in each day for five successive days.
When taken for streets, etc., how expense, etc., defrayed.	SEC. 3. If the proposed improvement shall be the opening, widening, altering, or extending of a street, alley or avenue, the expense of the taking of private property therefor, including the cost of the proceedings, and the compensation and damages to be paid, as hereinafter provided, shall be defrayed in whole or in part as the council may determine, by special assessment upon the lands and premises specially benefited by such improvement, in proportion to the special benefits accruing to each parcel, providing, that in opening, widening, altering or extending a public alley, the whole of such expense shall be so defrayed, and in such case the council shall in said resolution determine and describe a local tax district, embracing all the lands and premises which in the opinion of the council will be specially benefited as aforesaid; and shall determine the percentage of the expense aforesaid, to be defrayed by special assessment on the lands and premises in said tax district; and the said notice of the meeting of the council for the hearing of objections, as provided in section two, shall contain a general description of said tax district, and a statement of the percentage of the said expense to be defrayed in the manner aforesaid, as determined by the council.
Proviso as to alleys, etc.	
Hearing objections and disposing of resolution.	SEC. 4. At the time appointed for the hearing of objections, or at a subsequent meeting of the common council to which such hearing may be adjourned or continued, and after the hearing of any objections made by parties interested, the said resolution may be ratified and confirmed, or may be reconsidered by the council, and the council may negotiate with and obtain from the owners or persons interested in the property proposed to be taken a release or conveyance thereof, by gift or purchase, and may alter or amend said resolution by excluding from the description of the property proposed to be taken any part or parcel thereof, or by taking out of or excluding from said tax district any parts or parcels of lands and premises embraced therein, or by decreasing the percentage to be defrayed by special assessment on the lands and premises in said tax district, and may thereupon direct the city attorney to institute proceedings in accordance with the provisions of this act to carry out the objects of said resolution, providing said resolution shall not be ratified and confirmed as aforesaid, or as altered and amended, finally adopted, except by a concurring vote of two-thirds of all the aldermen elect. The consideration of said resolution by the council may be continued from time to time without further notice.
Proviso as to adoption of resolution.	
Petition to be filed by attorney.	SEC. 5. Upon the confirmation or final passage by the common council of said resolution, it shall be the duty of the city attorney to prepare in the name of the city, and file with one of the justices of the peace of the city, a petition signed by him in his official capacity, which shall set forth said resolution as originally introduced, and confirmed, or altered, or amended, and
Contents of petition.	

finally adopted, and the proceedings of the council in respect thereto; said petition shall describe the several lots, tracts, and parcels of private property proposed to be taken, and set forth the names of the owners, occupants, lessees, mortgagees or others interested therein, as far as the same can be ascertained, and shall allege that it is necessary to take such property for the public use and benefit, and pray that a jury may be empaneled to determine whether it is necessary to make the proposed improvement, and to take such property for the purposes thereof, and to ascertain and fix the just compensation to be made therefor; the petition may allege any other matter and thing relevant to the questions to be considered by said jury and deemed to be material, and may pray for any other and further relief within the object of this act.

SEC. 6. Upon filing said petition it shall be the duty of said justice to issue a summons commanding the respondents named in the petition, in the name of the People of the State of Michigan, to appear before him, at a time and place to be named in said summons, not less than ten nor more than forty days from the date thereof, and show cause, if any they have, why the prayer of said petition should not be granted.

Duty of justice
on receiving
petition.

SEC. 7. Said summons may be served by the city marshal or by any officer of the city of Lansing, or the county of Ingham, authorized to serve civil or criminal processes therein issued by a justice of the peace, and shall be served at least five days before the return day thereof, upon all respondents found within said county, by exhibiting the original, and delivering a copy to each of them; if any respondent who is a resident of the county cannot be found, the summons shall be served by leaving a copy at his or her usual or last place of abode, with some person of suitable age and discretion; if any infant or person of unsound mind is interested in the property to be taken, service shall be made upon the guardian of such person residing within the county, if any, and if there is no such guardian, and some person of suitable age or discretion of the household of which said infant or incompetent is a member shall be found within the county, service shall be made upon such person. All respondents who cannot be served with said summons as hereinbefore provided, shall be served by publishing a copy thereof, in at least one daily paper published within said city, for five successive days prior to the return day. The return of the officer to said summons and affidavits of publication, showing due service and publication, shall be filed with the justice, and be sufficient evidence of service upon the respondents, and of the manner of service, and thereafter all respondents duly served shall take notice and be bound by all subsequent proceedings without further notice.

Service of
summons.

Service by
publication.

SEC. 8. On the return day, if no guardian shall appear to represent the interests of an infant respondent, or respondent of unsound mind, the justice shall appoint a suitable person as guardian *ad litem* for such purpose, who shall file a written consent to act, and shall represent the person for whom he is appointed

Justice to ap-
point guardian
to represent
infant, etc.

Drawing jury. in the subsequent proceedings. The justice shall then, or at a subsequent time to which the proceedings may be adjourned, if no sufficient cause to the contrary has been shown, direct the sheriff, under sheriff or deputy sheriff of said county, or any constable of said city who shall be disinterested, to make a list of twenty-four resident free-holders of said city, and the city attorney shall strike therefrom six names, and the respondents collectively may strike therefrom six names, and if they neglect or refuse so to do, it shall be done by the justice in their behalf, and the twelve persons whose names remain on the list shall compose the jury for the trial of the cause and shall be summoned to attend at such time as the justice shall direct by a *venire* issued by him, and which shall be directed to and served by any one of the last aforesaid officers; in case any of the persons to be summoned cannot be found in the county, or being summoned do not attend, or shall be excused for cause or otherwise, talesmen possessing the necessary qualifications may be summoned as jurors in the case by such officer, and the practice and proceeding under this act, except as herein provided, relative to empaneling, summoning, and excusing jurors and talesmen, and imposing penalties or fines upon them for non-attendance, shall be the same as the practice and proceedings in ordinary civil trials before justices of the peace in this State, except that peremptory challenges shall not be allowed.

Venire.

Oath of jurors. SEC. 9. The jurors so empaneled shall be sworn as follows: "You do solemnly swear (or affirm) that in the matter of ——— you will well and truly ascertain and determine whether there is a public necessity for making the proposed improvement, and for taking for the use and benefit of the public for the purposes of said improvement the private property which the petition describes and prays may be taken; and if you determine that it is necessary, then that you ascertain, determine and award a just compensation to be made therefor, and that you will faithfully and impartially discharge all other duties devolving upon you in this case, and, unless discharged, a true verdict give according to the law and evidence, so help you God." They shall sit together and hear the proofs and allegations of the parties and arguments of counsel, and if deemed practicable and advisable by the justice may go to the place of the intended improvement in charge of an officer, and upon, or as near as practicable to, the property proposed to be taken and examine the same, and shall thereafter retire under the charge of an officer and render their verdict as on the trial of an ordinary civil case.

Jury to hear evidence, etc.

Verdict.

What verdict to determine and award. SEC. 10. The jury shall determine in their verdict the public necessity for the proposed improvement, and for the taking of the said private property therefor, and in case the [they] find that such necessity exists, they shall award the owners of such property such compensation therefor as they shall deem just. If any such private property shall be subject to a mortgage, lease, agreement or other lien, estate or interest, the jury shall apportion and award to the parties in interest such portion of the compensation as they shall deem just.

SEC. 11. To assist the jury in rendering their verdict, the court may allow them, when they retire, to take with them the petition filed in the case, maps showing the proposed improvement and location of all the pieces or parcels of land proposed to be taken, with names of the persons interested therein, and may also submit to them a blank verdict, which may be as follows:

Jury may have
use of maps, etc.

PART I.

We, the undersigned jury, empaneled in the above matter, having given the same due consideration, do hereby find and determine that the.....of said.....as proposed for the public use and benefit is a public necessity, and that for said use and benefit and purpose it is necessary to take the private property described in the petition in this cause, which said property is hereinafter also described.

Form of verdict.

PART II.

And the damages sustained, and the just compensation to be paid for such private property we have ascertained and determined, and hereby award as follows:

Description of each of the several parcels of private property to be taken.	Owners and others interested in each parcel.	Compensation and damages.
.....
.....
.....
.....
.....
.....

The different descriptions of property, and the names of the owners and others interested therein, may be inserted in said blank verdict, under the direction of the court, before it is submitted to the jury.

SEC. 12. The jury shall specify in their verdict the lands and premises, if any, as to which they fail to agree, and a disagreement as to one or more distinct parcels of land shall not affect the awards in which they have agreed; and upon any such disagreement the justice may, upon the motion of the city attorney, empanel a new jury in the same manner as provided for drawing the original jury, and like proceedings shall thereupon be had as to the lands concerning which there was a failure to agree; a new jury may in like manner be had as often as necessary.

Action in case
of disagreement
of jury.

SEC. 13. The justice shall enter the verdict and award of the jury, and all the proceedings had in the cause before him in his docket, and within twenty days after the rendition of the verdict, on the motion of the city attorney, he shall enter a judgment of confirmation of the determination and awards therein made. Unless such motion shall be made by the city attorney within

Justice to enter
proceedings in
his docket and
confirm determination,
etc.

said period, all proceedings upon said verdict and award shall be at an end.

Appeal.

SEC. 14. Any party aggrieved by the verdict of the jury and judgment of confirmation mentioned in the preceding section, if the same shall be entered, may, at any time within thirty days after the rendition of the verdict, appeal to the circuit court of the county of Ingham, by filing with the justice a claim of appeal in writing in which he shall set forth the description of the land in which he claims an interest, his interest therein, and all the errors relative to the proceedings, the verdict and judgment of which he complains, and at the same time filing with the justice a bond to the city in the penal sum of not less than three hundred dollars (\$300), with sureties to be approved by said justice, conditioned that he will prosecute his appeal to effect, and pay any costs that may be awarded against him in the circuit court, and paying to the justice the sum of three dollars (\$3.00) for making his return to the appeal, but upon such appeal the finding of the jury shall be conclusive as to all questions of fact submitted to them, and the appeal of one or more persons shall not in any way affect the judgment of confirmation as to other persons interested therein who did not appeal; said judgment shall be final and conclusive as to all persons not appealing therefrom within the time herein provided.

Bill of exceptions.

SEC. 15. At the time of filing such claim of appeal the appellant shall present to the justice a statement in the nature of a bill of exceptions, containing so much of the evidence and other proceedings in the matter as shall be sufficient to present the questions to be raised upon the errors and the objections alleged in the claim of appeal, and shall at the same time serve a copy thereof and of the claim of appeal upon the city attorney, who may propose amendments to said bill, and within ten days after said bill is presented said justice may, if necessary, cause the same to be corrected according to the facts in the case, and sign the same and shall make and certify a return to said bill, setting forth a transcript from his docket of all the proceedings and the judgment of confirmation entered therein, and shall attach thereto the verdict and award of the jury and all notices and papers filed with him, together with the bond and claim of appeal and said bill of exceptions, and file the same with the clerk of the said circuit court.

Transcript.

Proceedings by circuit court.

SEC. 16. Upon filing the return of the justice as mentioned in the preceding section, the said circuit court shall have jurisdiction in the case, and upon the hearing thereof shall consider the errors alleged in said claim of appeal, and if the proceedings are found invalid as to the party appealing, on account thereof the court shall remand the case, so far as it affects the appellant, to said justice, and a new jury may be called and like proceedings had as upon the original application for a jury. If no error affecting the merits shall be found in the proceedings, or if the appeal shall be dismissed for any cause, the said judgment of confirmation of the verdict and award of the jury shall be affirmed by the said court, with costs to the city.

SEC. 17. When the verdict of the jury shall have been finally confirmed by judgment of confirmation, and the time in which to take an appeal has expired, or if appeal is taken on the filing with the justice of a certified copy of the order or judgment affirming the said judgment of confirmation, the said justice shall transmit to the common council a copy of the verdict and award of the jury and the judgment of confirmation and the judgment, if any, of affirmance, and thereupon the common council shall cause a special assessment to be made of the sum or sums awarded by the jury, and the expense of said proceedings in pursuance of and in accordance with the said resolution of the common council hereinbefore mentioned. The assessment shall be made and the amount levied and collected in the same manner as is provided in the charter of said city for other special assessments. The assessment roll containing such assessment so ratified and confirmed by the common council, shall be final and conclusive and *prima facie* evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. That proportion of the awards and expenses to be paid by the city at large, according to said resolution, shall be paid from the general funds of the city.

Justice to transmit copy of verdict, etc., to council.

Council to cause special assessment to be made.

Manner of making and collecting assessment.

SEC. 18. Within six months after the judgment of confirmation by the circuit court, or after the judgment of confirmation by the justice shall have become final, the council may pay or tender to the respective persons the several amounts of damages and compensation awarded to them, and in case any such person shall refuse the same, be unknown, or a non-resident in the city, or be not found therein, or shall be incapacitated from receiving his or her amounts, or the right to any sum awarded be disputed or doubtful, the council may cause to be deposited the amount awarded in such case, with the statement of facts relating thereto, and the same shall be paid on demand to any person entitled to receive it. No delay in making any award of damages or in taking possession of any property shall be occasioned by any doubt as to the ownership of the property, or as to the interests of the respective parties making claims thereto.

Payment of awards of jury by council.

SEC. 19. Upon the tender, payment or deposit mentioned in the preceding section, the fee of land sought to be taken, with the appurtenances, shall vest in the city in trust for the use and purposes of the said improvement, and the council may convert, occupy and use the said property therefor and remove all obstructions therefrom. The certificate of the city treasurer of such payment, tender or deposit, and certified copies of any judgment of confirmation in the circuit court, or of the justice of the peace after the same has become final, and the verdict and award of the jury thereby confirmed, shall be recorded in the book of street records in the office of the city clerk, and shall be *prima facie* evidence of the matters therein contained, and of the regularity of all the proceedings to appropriate the property sought to be

When fee of land to vest in city.

acquired, and to confirm the same, and of the ownership of the city of the lands and property taken.

Liens, etc., on
lands taken, to
end.

SEC. 20. In all cases where any real estate subject to a lien or agreement shall be taken for public use, all the covenants and stipulations therein shall end upon the judgment of confirmation when the same shall have become final. If a part only of such real estate shall be taken, the said covenants and agreements shall be discharged only as to such part.

Compensation
of officers,
jurors, etc.

SEC. 21. Officers, jurors and witnesses in any proceedings under this act, shall be entitled to receive from the city instituting the proceedings, the same fees and compensation as provided by law for similar services in ordinary actions before justices of the peace in this State.

Petition to be
prima facie
evidence of
title, etc.

SEC. 22. The allegations of the petition filed by the city attorney shall be *prima facie* evidence as to who are owners of or are interested in any property proposed to be taken in the proceedings instituted under this act, and of the nature and extent of their interest, and shall also be *prima facie* evidence of the resolution and proceedings of the common council hereinbefore mentioned.

Sale of
buildings, etc.,
on lands taken.

SEC. 23. In case there is on the private property taken a building or other structure appurtenant to the real estate, the same shall be sold under the direction of the common council, and the amount realized therefor shall be credited to the fund for paying the compensation for the property taken.

Sections
repealed.

SEC. 2. Sections one to twelve inclusive of title twelve of act number two hundred and eighty-two of the local acts of eighteen hundred and seventy-five, entitled "An act to revise the charter of the city of Lansing," approved March twenty-five, eighteen hundred and seventy-five, as amended by the several acts amendatory thereof, be and the same are hereby repealed.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 536.]

AN ACT to amend section ten of chapter two, sections four and five of chapter five, sections seventeen, twenty-three and fifty-six of chapter seven, sections six and fourteen of chapter nine, section ten of chapter twelve, section one of chapter fourteen, section six of chapter fifteen, section one of chapter seventeen, sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of chapter nineteen of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred and eighty-five, and to add two new sections thereto to stand as section thirty of chapter seventeen, and section twenty-

one of chapter twenty, respectively, and to add three new sections thereto to stand as sections sixty-one of chapter seven, section thirty of chapter seventeen, and section twenty-one of chapter twenty, respectively.

SECTION 1. *The People of the State of Michigan enact*, That Sections amended. section ten of chapter two, sections four and five of chapter five, sections seventeen, twenty-three and fifty-six of chapter seven, sections six and fourteen of chapter nine, section ten of chapter twelve, section one of chapter fourteen, section six of chapter fifteen, section one of chapter seventeen, sections one, two, three, four, five, six, seven, eight, nine, ten and eleven of chapter nineteen of act number three hundred ninety of the local acts of eighteen hundred eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred eighty-five, be and the same are hereby amended so as to read as follows:

SEC. 2. That three new sections be added thereto to stand as Sections added. section sixty-one of chapter seven, section thirty of chapter seventeen, and section twenty-one of chapter twenty, respectively.

CHAPTER II.

SEC. 10. All officers appointed by the common council shall be appointed by ballot, and by the vote of a [the] majority of all the aldermen elect, whether for one year or more, and shall hold their offices for the time appointed or until their successors shall be elected and qualified, except that officers appointed to fill vacancies shall hold for the unexpired term, and until their successors are appointed and qualified. Appointment of officers and terms of office.

CHAPTER V.

SEC. 4. Any officer holding office by election by the electors of said city, against whom charges shall be preferred, may be suspended from office by a majority vote of all the aldermen elected until such charges shall be heard and determined, and any officer holding office by appointment may be suspended temporarily from office at any time by like vote. The mayor may suspend any appointed officer until the next regular meeting of the common council, in either of which cases the mayor shall appoint some one to fill such office temporarily until the council or the board having the appointment of such officer shall either restore such person to office or fill the vacancy by election, and such suspended officer shall not be restored except by two-thirds vote of the body appointing him. Suspension of officers.

SEC. 5. The common council may expel or remove from office any of its members, or any other officer holding office by election by the electors of the city, except the mayor, for corrupt or willful misfeasance or malfeasance in office, or for the willful Removals from office.

Council may
issue subpoenas,
etc.

Power of mayor
to suspend
officers.

neglect of the duties of his office, by a vote of two-thirds of all the aldermen elect; and in such case the reason for such expulsion and removal shall be entered on the records of the common council, with the names and votes of the members voting on the question. No officer holding office by election shall be expelled or removed by said council unless first furnished with a copy of the charges in writing, and allowed to be heard in his defense with aid of counsel; and for the purpose hereof [thereof] the common council shall have the power to issue subpoenas to compel the attendance of witnesses, and the production of papers when necessary, and shall proceed within ten days after service of a copy of the charges, unless such hearing shall be adjourned to a time not exceeding thirty days in all, and then at such adjourned meeting, to hear and determine upon the merits of the case. If such officer shall neglect to appear and answer to such charges, his default may be deemed good cause for his removal from office. The mayor shall have power to suspend from office the chief of police, constables, policemen, superintendent of public works, controller or any of them, and in case of any such suspension, he shall report the same, with the reason therefor, to the common council at its first meeting thereafter, in which case he shall only be restored by complying with section four of this chapter.

CHAPTER VII.

Purity of water,
etc.

SEC. 17. The common council shall have power to preserve the purity of the water of the St. Clair and Black rivers; to control and regulate the construction of docks, the anchoring and stationing of vessels therein, and the loading and unloading thereof; also, to preserve and regulate the navigation of said rivers within the limits of said city; to prevent and prohibit the depositing or keeping therein any structure, earth or substance, or sinking therein any logs, boats or other material tending to impair or obstruct the navigation of said rivers, or to render the waters thereof impure or unwholesome, or endanger the safety of the bridges of said city; to remove all obstructions that at any time may occur therein unless removed by the owner or other person having control thereof or who may have deposited any material or sunken or moored vessel within ten days after notice to remove the same, or upon a shorter notice, as the exigencies of the case may require, and the expense of said removal shall be a charge against the owner or master thereof, or the person depositing or mooring the same, and may be recovered in an action at law in any of the courts of competent jurisdiction. Whenever the city removes any such logs, boats or other material, it shall have a lien thereon for the costs and expense of such removal and may hold possession thereof and advertise and sell the same as may be provided by ordinance: *Provided*, The election of one of said remedies shall not bar the right to pursue the other.

Clearing
sidewalks.

SEC. 23. The common council shall have power to compel the owner or occupant of lots or parcels of land along said street or

within such limits, as it may determine, to clear the sidewalks in front of or adjacent thereto of snow, ice, dirt, mud, boxes or other encumbrances or obstructions, and provide punishment for the neglect or refusal to comply therewith, and successive punishment for continued neglect or refusal; and it may, on the neglect or refusal of such person to clean said walk, sue and recover the cost and expense thereof in an action at law before any court of competent jurisdiction against the person liable, and may garnishee as in ordinary actions at law: *Provided*, That the election of one of these remedies shall not bar the right to pursue the other.

SEC. 56. The common council may purchase the whole or part or interest in such private property, or may proceed to condemn and take whole or any part or interest therein in the manner provided by the general laws of the State. And in case of proceedings to condemn it shall not be necessary that any previous effort to purchase shall be made; and the common council may by an ordinance provide for notices to minors, idiots, non-residents or others, or such notice may be given as provided by the laws of the State in cases of proceedings by railroad companies.

Taking private property for public use.

SEC. 61. The chief of police, policemen, regular or extra, who shall be appointed from time to time, shall possess and exercise the same powers which township constables exercise and possess under the general laws of the State, subject to such limitation as may be prescribed by ordinance.

Power of police.

CHAPTER IX.

SEC. 6. The board of education shall make all needful rules and regulations relative to its proceedings. Said board shall also have full power and authority to erect or purchase school-houses, by and with the consent of the common council, approved by the board of estimates; also to apply for and receive from the proper officers all moneys appropriated for primary schools and libraries in said city; to make by-laws relative to taking the census of all children in said city between the ages of five and twenty years; relative to making all necessary reports and transmitting the same to the proper officers, as designated by law, so that said city may be entitled to its proportion of the primary school fund; relative to visitation of schools; relative to the length of time school shall be kept, which shall be not less than three months in each year; relative to the examination and employment of teachers, their powers and duties; relative to the regulation of schools, and the books to be used therein; relative to the appointment of the necessary officers, and prescribe their powers and duties, and relative to anything whatever that may advance the interests of education, the good government and prosperity of public schools in said city, and the welfare of the public concerning the same, not inconsistent with this act. Said board shall also have authority to establish a high school in said city, and also to appoint a superintendent of the public schools.

Power and duty of board of education.

under the charge and direction of said board, with such salary and with such powers and duties as shall be prescribed or determined by such board of education.

Board may dispose of school property, etc.

SEC. 14. The board of education may, with the consent of the common council, sell or dispose of any of the real estate of said board, and the board may, whenever necessary for the interest of the school, dispose of any of the personal property belonging to said board, and the money realized therefrom shall be used for school purposes, and no other.

CHAPTER XII.

Estimates of proposed improvements, etc., to be submitted to council.

SEC. 10. Whenever the trustees propose to expend any money or incur any liability for the improvement, care, protection or adornment of any of the city cemeteries or for salaries or any other purpose, they shall submit to the common council an estimate of the amount needed for such purpose, specifying the purpose, and shall not expend any money or incur any liability in excess of the amount approved by the common council, nor for any other purpose than that specified.

CHAPTER XIV.

Election of justice of the peace.

Must be an attorney.

Election of assistant police justice, etc.

Must be an attorney.

Salary of, to be deducted from salary of police justice, etc.

SECTION 1. At the general charter election held in April, eighteen hundred and eighty-six, and every fourth year thereafter, there shall be elected in said city one justice of the peace, whose term of office shall commence on the fourth day of July following his election and continue for four years and until his successor shall be elected and qualified, and he shall be elected on a general city ticket in the manner herein provided for the election of other city officers, and none but attorneys-at-law duly admitted to practice in the supreme court of this State, and of at least two years' good standing shall be eligible to the said office of justice of the peace in said city. And there shall also be elected at the annual election in the year one thousand eight hundred and eighty-eight, and every fourth year thereafter, one justice of the peace for the term of four years, to be known as "assistant police justice," who shall be an attorney and counselor-at-law, and who shall exercise all the duties of police justice in case of the absence, death or disability of the police justice, but, except in the case of such absence, death or disability he shall perform no duties whatever, and the assistant police justice shall receive such per diem salary as may be fixed by ordinance or resolution by the common council, three dollars per day to be audited by the common council. All salary earned by him shall be deducted from the salary of the police justice for the current year. All cases properly commenced before such assistant police justice shall continue before him until finished, notwithstanding the return of the police justice or the removal of his disability.

CHAPTER XV.

SEC. 6. The common council shall, with the approval of the board of estimates, also have power to provide money for the water fund, the sewer fund, the educational fund, the public building fund, the general road fund, and the bridge fund, by borrowing upon the faith and credit of the city and upon the best terms that can be made, such sums of money as shall be deemed necessary and expedient, and to issue the bonds of said city therefor, and the common council shall have power to provide money by borrowing on the faith and credit of the city to pay the present bonded indebtedness of the city, or the board of education, or any part thereof, whether due or not, and to issue bonds therefor, or said bonds may be issued by the common council for the purpose of refunding said bonded indebtedness and exchange for the present outstanding bonds of the city or board of education; but that said bonds shall not be negotiated at less than their par value, or bear interest to exceed seven per centum per annum: *Provided*, That the gross debt of the city, not including that hereinbefore contracted, and water, sewer, paving, and bonds for which special assessments can be made under this act, shall never exceed five per cent of the assessed value of the real and personal property in said city, and before any bond except water, paving, sewer, and bonds above described for paying or refunding the bonded indebtedness of the city and board of education, and bonds for which special assessments can be made, shall be issued, at least five per cent of the present indebtedness shall be paid, or a sinking fund provided to pay the same, and any indebtedness issued or created in excess thereof shall be null and void, except as hereinafter provided: *Provided, however*, That the common council may issue bonds of the city in such sums as may be necessary to pay the present floating indebtedness of the city on such time and such interest as may be determined by resolution, and such bonds shall be valid even though in excess of the above limitations.

Money for the various funds, how provided.

For bonded indebtedness.

Provide as to limit of city indebtedness.

CHAPTER XVII.

SECTION 1. The common council shall have power and authority to levy and collect special assessments for the following purposes:

First, To defray the cost and expense of grading, curbing, paving, graveling, claying, planking or macadamizing any of the streets, lanes, alleys, highways or avenues of the city, or of improving the same by a combination of any of such methods;

Second, To defray the cost and expense of repairing any of the streets, lanes, alleys, highways, avenues of the city so improved, when the number of square yards to be repaired in any given block in one year shall exceed ten [10] per cent of the total number of square yards in such block;

Third, To defray the cost and expense of constructing or repairing drains and sewers in said city;

Special assessments.

Fourth, To defray the costs and expense of constructing or repairing sidewalks in said city: *Provided, however*, That none of the improvements mentioned in this section, excepting those mentioned in part four, shall be made without the concurring vote of two-thirds of the aldermen elect: *And provided further*, That no street, lane, alley, highway or avenue shall be paved until a plan of sewerage is adopted for the district where the same is to be built, and if such plan provides for a sewer on such street, lane, alley, highway or avenue, then the same shall not be paved until such sewer is constructed.

Disturbing
pavement, etc.,
by private
parties.

SEC. 30. If private parties wish to disturb any pavement or any other public improvement, the superintendent of public works shall first estimate the cost of restoring such improvement, and the amount of such estimate shall be deposited with the city treasurer before permission is given, and unless such improvement is restored, to the satisfaction of the superintendent, within such time as he shall specify, then he shall proceed to restore the same and the cost thereof shall be paid out of the deposit. No such deposit shall be drawn from the city treasurer until the superintendent of public works certifies that the improvement has been restored, but the common council shall have power by ordinance to provide for any other method of disturbing and restoring any public improvement within the city.

CHAPTER XIX.

Collection of
returned special
assessments.

SECTION 1. Whenever there shall be a return made of the assessment uncollected upon any special assessment roll, or any part thereof provided for in this act, or in any ordinance of said city, it shall be lawful for the city treasurer to cause notices to be published in the official newspaper of said city for four successive weeks, requiring the parties interested in such lands or premises to pay the tax or assessment thereon, and that if default be made in making such payment such real estate or premises will be leased at public auction on a day and at a place to be specified in said notice, for the lowest number of years at which any person shall offer to take the same in consideration of advancing and paying such assessment or taxes, with costs and charges of such sale, which costs and charges shall include fifty cents for the publication of each description and interest on such tax at the rate of ten per cent from the return of such roll, with such other costs and charges as may be provided for by ordinance.

Premises may
be leased to
pay tax.

Leasing by
public auction.

SEC. 2. Upon the day specified in such notice, or at such time as the sale may be adjourned to, the treasurer shall cause each parcel of real estate or premises to be leased at public auction, for the lowest term of years at which any person shall offer to take the same in consideration of paying for such assessment or tax, with costs and charges, and he shall execute a proper certificate of such lease to the purchaser thereof, and if such real estate or premises shall be redeemed within one year, the controller or other proper officer in the name of the city shall execute and deliver to

Treasurer to
make lease to
person bidding
the lowest
number of
years.

such person, or any assignee, a lease or conveyance of such real estate or premises for the term for which the same was sold, which lease or conveyance shall in all courts be *prima facie* evidence of the regularity of the proceedings under which the sale was made and the lease executed up to the date of the lease, and of the regularity of the lease.

SEC. 3. When any lands or premises shall be sold according to the foregoing provisions for the payment of any assessment or tax, as aforesaid, if the owner or party interested in the same shall, within one year after such sale, deposit with the treasurer of said city for the use of the purchaser the full amount of the assessment or tax for which said real estate was sold, and such interest as is hereafter authorized, together with the amount of the costs and charges, then the terms for which said real estate or premises was sold shall cease and be null and void, and be determined at the time of making such deposit, and on presentation of the certificate of sale thereof, the treasurer shall pay such deposit to the owner of the certificate, taking his receipt for the same, which receipt shall be a voucher to such treasurer for the payment of the same, said receipt to be written across the face of the certificate.

Redemption of
leased premises.

SEC. 4. Interest shall be charged at the rate of ten per cent per annum, and interest shall in all cases be computed from the day of the sale up to the end of the current quarter of the year limited for such redemption.

Interest on
redemptions.

SEC. 5. A certificate of the sale or lease and of redemption shall be issued in duplicate and charged to the city treasurer in such manner as is provided for charging of taxes; or they may issue in such other manner as the common council may direct by ordinance or resolution.

Certificate of
sale, lease, etc.

SEC. 6. The controller, or any other officer who may be designated by ordinance or resolution passed by the common council, may execute, in the name of the city, proper conveyances of all lands or premises sold for assessment or taxes, which, when acknowledged, may be recorded as other conveyances of lands under the laws of this State.

Conveyance of
land sold for
taxes.

SEC. 7. The controller or such other officer as may be designated by ordinance or resolution, shall bid in for the city at such sale every lot of land or premises for which no person shall offer to bid, and if any person neglects to pay the sum bid by him, such bid shall inure to the benefit of the corporation, and its name shall be substituted for such bidder, and the certificate of sale, conveyance or lease may be executed to the corporation, acknowledged and recorded in the same manner as provided in other cases of sale for the non-payment of the taxes, and the city shall have all the rights of the other purchasers.

Property may
be bid in for the
city.

Forfeited bids.

SEC. 8. The common council may provide by ordinance for the sale of lands purchased by the city under the provisions of this chapter.

sale of lands
purchased by
city.

SEC. 9. All assessment rolls and proceedings under this chapter, and all conveyances, certificates of sale and leases provided for herein, shall be taken and received in all the courts as *prima*

Rolls, etc.,
prima facie
evidence of
regularity.

facie evidence of the regularity of all the proceedings by which such tax was assessed or levied, and shall be *prima facie* evidence of their own regularity and of all proceedings necessary to their validity.

Council to have power to carry out provisions of this chapter.

SEC. 10. The common council shall have power, by ordinance, to carry out the provisions of this chapter, and may prescribe the form and manner of executing all certificates, leases or conveyances under this act.

Idem.

SEC. 11. The common council shall have power to make such further rules and regulations or ordinances as they may deem necessary to carry into effect the provisions of this chapter.

CHAPTER XX.

Certain officers not to be interested in contracts.

SEC. 21. No member of the common council or of any board created by the charter shall have any interest, directly or indirectly, in any contract or labor, the letting, control or payment of which shall come under the jurisdiction of the board of which he is a member.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 537.]

AN ACT to re-incorporate the village of Rockford.

Territory re-incorporated.

SECTION 1. *The People of the State of Michigan enact*, That all those tracts or parcels of land described as follows, viz: The whole of section thirty-six [36] in township number nine [9] north, of range number eleven [11] west, and the north half of the north half of section one [1] in township number eight [8] north, of range number eleven [11] west, in Kent county, Michigan, be and the same hereby is re-incorporated as a village under the name of the village of Rockford.

By-laws and ordinances continued in force.

SEC. 2. All of the by-laws and ordinances of said village now in force, and which are not contrary to the provisions of the act of eighteen hundred and seventy-five hereinafter named, are hereby continued in full force until the same shall be changed according to law.

Officers to continue in office.

SEC. 3. The officers of said village now in office shall continue in office, with the same powers and duties as are conferred by this act upon like officers, until their successors shall be elected or appointed, and shall qualify, according to the provisions of this act and the general law relating to the incorporation of villages.

First election.

SEC. 4. The first election under this act shall be held at such place in said village as the present council of said village shall order, on the second Monday of March, A. D. eighteen hundred

How conducted.

and eighty-eight, which election shall be conducted according to the provisions of an act entitled "An act granting and defining

the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, with the amendments thereto, at which election a full set of officers, as provided by said act shall be elected, except street commissioner, which office shall be filled by appointment each year by the common council; and also except constable, which officer shall not be elected nor appointed.

Officers to be elected.

SEC. 5. The said village of Rockford is hereby made subject to the provisions of an act entitled "An act granting and defining the powers and duties of incorporated villages," approved April first, eighteen hundred and seventy-five, with the amendments thereto, except as to said street commissioner and constable; and the said village hereby re-incorporated shall possess all the rights and powers and be subject to all the liabilities prescribed in said last named act.

How governed, etc.

SEC. 6. The said village of Rockford, as hereby re-incorporated, shall possess all the rights of property and be subject to all the debts and liabilities of the said village as heretofore organized.

Re-incorporated village to have all rights and be subject to all liabilities of former village.

SEC. 7. Act number two hundred and seventy-four of the session laws of eighteen hundred and seventy-one, entitled "An act to incorporate the village of Rockford," approved April fifteenth, eighteen hundred and seventy-one, with the amendments thereto, is hereby repealed.

Act repealed.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 538.]

AN ACT to authorize the village of Sturgis, in the county of St. Joseph, to raise money to make public improvements in said village, to issue bonds therefor and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact, That* the common council of the village of Sturgis, in the county of St. Joseph, be and is hereby authorized and empowered to borrow money on the faith and credit of said village and to issue bonds therefor to an amount not to exceed five thousand dollars, which shall be expended in making public improvements in said village of Sturgis, consisting of a village hall and water-works: *Provided, That* a majority of the qualified electors of said village, voting at an election to be called in conformity with the requirements of act number sixty-two of the session laws of eighteen hundred and seventy-five, shall vote in favor of such loan in the manner specified in said act and not otherwise.

Common council authorized to borrow money.

Provide as to vote of electors.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums, not exceeding the amount hereinbefore limited, and payable at such times, with

Issue of bonds.

Appropriation
of money.

Payment of
bonds and
interest.

such rate of interest, not exceeding six per cent per annum, as the common council shall direct, and shall be signed by the president and countersigned by the clerk, and sealed with the seal of said village, and negotiated by or under the direction of said common council, and the money arising therefrom shall be appropriated in such manner as said common council shall determine for the purpose aforesaid, and the said common council shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due.

This act is ordered to take immediate effect.

Approved June 22, 1887.

[No. 539.]

AN ACT to amend section one of act number ninety of the session laws of eighteen hundred and fifty-three, entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water-works," approved February fourteenth, eighteen hundred and fifty-three, as amended by act number three hundred and fifty-nine of the session laws of eighteen hundred and seventy-three, approved April twelve, eighteen hundred and seventy-three.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number ninety of the session laws of eighteen hundred and fifty-three, entitled "An act to amend the laws relative to supplying the city of Detroit with pure and wholesome water, and to provide for the completion and management of the Detroit water-works," approved February fourteenth, eighteen hundred and fifty-three, as amended by act number three hundred and fifty-nine of the session laws of eighteen hundred and seventy-three, approved April twelve, eighteen hundred and seventy-three, be and the same is hereby amended so as to read as follows:

Board of water
commissioners.

SECTION 1. *The People of the State of Michigan enact*, That the successors now in office of Shubael Conant, Henry Ledyard, Edmund A. Brush, William R. Noyes and James A. VanDyke, the original board of water commissioners of the city of Detroit, are hereby named, constituted and continued as a board of water commissioners of the city of Detroit. They and their successors in office shall be known by the name of "the board of water commissioners of the city of Detroit," and in their corporate name are hereby empowered to take and hold by purchase, gift, devise, bequest or otherwise such franchises and real and personal property, either within or without the limits of said city, as may be needful or convenient for carrying out the intents and purposes of this act, and to sell and convey or lease the same whenever required

Board author-
ized to hold
real estate, etc.

by the interests of the city; to make contracts; to establish all reasonable rules and regulations, to protect the rights and property vested in the board, and to aid it in the performance of the duties imposed upon it. The board may adopt and have a common seal, and may sue and shall be subject to be sued in all courts of record in like cases as natural persons. The property of the board, whether within or without the limits of the city of Detroit, shall be exempt from all taxes and assessments of every kind. No writ of attachment or writ of execution shall be levied upon the property of said board. The late Chauncey Hurlbut, for many years president of said board, having by his last will and testament devised and bequeathed a large portion of his estate to trustees for the benefit of said board of water commissioners, and under which will the income of said estate is to be applied and used by the said board of water commissioners, as more particularly expressed in said will, in furtherance of the objects of incorporation of said board, and the effect of which will be to benefit the large number of people residing, or who may hereafter reside, in the city of Detroit and vicinity, and to lessen their burdens of government; now, therefore, the said board of water commissioners are hereby authorized and empowered to receive and accept all the benefits that they may derive from said will, and to use, disburse and expend all the property, estate or money that they may receive thereunder according to the beneficent intent and purpose of said Chauncey Hurlbut, deceased, as set forth in his said will and the codicil thereto, reference to which, as the same may be found in the files and records of the probate court for the county of Wayne, in this State, is hereby made.

Board to adopt seal, etc.

Property held by bond exempt from tax, etc.

Board to use certain property devised for its benefit.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 540.]

AN ACT to amend section forty-eight of chapter seven and section four of chapter sixteen of act number three hundred and ninety of the local acts of eighteen hundred and eighty-five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred and eighty-five.

SECTION 1. *The People of the State of Michigan enact, That* section forty-eight of chapter seven and section four of chapter sixteen of act number three hundred and ninety of the local acts of eighteen hundred and eighty five, entitled "An act to amend and revise the charter of the city of Port Huron," approved June seventeen, eighteen hundred and eighty-five, be and the same are hereby amended so as to read as follows:

Sections amended.

CHAPTER XII [VII].

Control, ap-
pointment, etc.,
of police force.

Salary and
filling vacan-
cies.

Power of
police.

Rules for
government
of police.

SEC. 48. The police force of the city of Port Huron as now organized shall be under the control and management of the mayor and common council of the city of Port Huron. The chief of police of said city who shall be *ex-officio* marshal thereof, shall be appointed annually at the same time that the other officers of said city shall be appointed, but he shall be appointed by the common council upon the recommendation of the mayor, whose orders and directions in reference to the enforcements of the ordinances of said city he shall see enforced. The common council of said city shall have authority, and it is hereby empowered to appoint special policemen and watchmen when it shall deem the same necessary, and said common council shall have exclusive authority to fix the number of regular policemen to be appointed within said city, and to fix the salary of the chief of police and such regular policemen. Should any vacancy occur in the office of the chief of police from any cause, the mayor of said city is empowered hereby to designate in writing one of the regular policemen of said city to discharge the duties of chief of police until such vacancy shall cease to exist by appointment in the manner provided for herein for the new appointment of chief of police. In the event of the mayor designating one of the regular policemen to discharge the duties of chief of police to temporarily fill any vacancy, he shall file with the city clerk such designation. The chief of police and policemen of said city, regular and extra, who shall be appointed by authority of the charter and ordinances of said city, shall possess and exercise the same powers which constables of townships possess under the general laws of the State, subject to such limitations [limitation] as may be prescribed by ordinance. The common council of said city may by resolution or ordinance adopt such rules and regulations for the government, discipline [disciplining] and management of such police force and the members thereof as they may deem proper, but all rules, regulations and ordinances heretofore adopted, and now existing in reference to said police force, whether adopted by the police commission of said city, shall continue in force until changed by resolution or ordinance adopted by the common council of said city.

CHAPTER XVI.

Board of
review.

Meetings.
Power and
duty of board.

SEC. 4. The board of review shall consist of the supervisors of the several wards of said city, and the mayor, city attorney and city controller, who shall also be members of the board of supervisors of the county of St. Clair, with the same powers and duties as members of said board of supervisors as are conferred by law upon supervisors of the several townships of said county. The said board of review shall meet at the common council room in said city, on the third Monday of April in each year, and continue in session from day to day until all of said assessment rolls shall have been fully and carefully reviewed, corrected and approved

which shall be on or before the fourth Monday in April. The board shall have power and it shall be its duty to amend and correct any assessment or valuation, and to place upon the assessment roll of the proper ward any taxable property, real or personal, not already assessed, held or owned by any person or persons, and to strike from said roll any property, real or personal, wrongfully thereon. Any person considering himself aggrieved by reason of any assessment may complain thereof, either verbally or in writing, before said board, and on sufficient cause being shown by the affidavit of such person, or oral proof or by other evidence, to the satisfaction of such board, it shall review the assessment complained of and may alter or correct the same as to the person charged thereby, the property described therein, and the estimated value thereof: *Provided*, That said board shall not increase any assessment of property. The concurrence of a majority of the board shall be sufficient to decide any question of altering or correcting any assessment complained of. The board, or a majority of them, having completed the review and correction of said assessment rolls, shall sign and return the same to the common council at a meeting of said council to be held on the evening of the second Monday in May.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 541.]

AN ACT to amend section one of article two, sections one and two of article three, section two of article six, section one of article ten, section five of article thirteen, sections one, two, three, four and five of article fourteen, sections one, two and three of article fifteen, and section three of article sixteen of act number two hundred and forty-five of the session laws of eighteen hundred and sixty-nine, entitled "An act to revise the charter of the village of Allegan," approved March two, eighteen hundred and sixty-nine, as amended by the several acts amendatory thereof, and to add four new sections to said act to stand as sections seven of article three, and sections nine, ten and eleven of article thirteen.

SECTION 1. *The People of the State of Michigan enact*, That section one of article two, sections one and two of article three, section two of article six, section one of article ten, section five of article thirteen, sections one, two, three, four and five of article fourteen, sections one, two and three of article fifteen, and section three of article sixteen of act number two hundred and forty-five of the session laws of eighteen hundred and sixty-nine, entitled "An act to revise the charter of the village of Allegan," approved March two, eighteen hundred and sixty-nine, as amended by the several acts amendatory thereof, be and the same are hereby amended, and that four new sections be and the

Sections
amended.

Sections added. same are hereby added to stand as sections seven of article three, and sections nine, ten and eleven of article thirteen, said amended and added sections respectively to read as follows:

ARTICLE II.

Village officers. SECTION 1. The officers of said village shall be a president, six trustees, one clerk, one marshal, who shall also be the collector of taxes and assessments, one treasurer, one assessor, and such other officers, to be appointed as hereinafter provided for, as may be necessary to carry out the provisions of this act.

ARTICLE III.

Election of officers. SECTION 1. The inhabitants of said village, having the qualifications of electors under the constitution of this State, shall meet at the court-house in said village on the second Monday of March, in the year of our Lord one thousand eight hundred and sixty-nine, and there proceed to elect one president, one clerk, one treasurer, one assessor and three trustees, who shall severally hold their office for one year; also three trustees who shall severally hold their office for two years; and the inspectors of such election shall certify thereto accordingly immediately after the canvass shall be finished.

Officers to be elected at subsequent elections. SEC. 2. At every election hereafter held there shall be elected one president, one clerk, one treasurer and one assessor, who shall severally hold their office for one year, and three trustees who shall severally hold their office for two years.

Special elections. SEC. 7. Special elections may be called by a resolution of the board of trustees for the purpose of filling the vacancies arising in the elective offices of the village, or for the purpose of authorizing board of trustees to raise money by bonding the village or by special tax. Before any such special election shall be called, the clerk of the village, as directed by resolution of the board of trustees, shall at least two weeks previous to the holding of any such special election, give notice thereof by publishing in one or more newspapers published in the village of Allegan, and by posting in at least six conspicuous places a notice setting forth the object of such special election, and the time and place where holden.

ARTICLE VI.

Power of board of trustees. SEC. 2. The board of trustees shall have full power within said village:

To elect president *pro tem*. *First*, To elect one of their number president *pro tem*, as hereinafter provided;

To define powers and duties of officers. *Second*, To declare and define the powers and duties of the officers of said village whose powers and duties are not specifically prescribed in this act;

Third, To determine the amount and sufficiency of the sureties

in the official bonds of the treasurer, marshal and such other officers as they shall deem proper to require security from in the discharge of official duty; To determine amount of securities, etc.

Fourth, To provide for the care, custody and preservation of the public property of said village; to provide for hydraulic works in said village, and the placing of pipes, mains and hydrants for the extinguishment of fires and the supplying the inhabitants thereof with water upon uniform rates, and to appoint a commission or board to have the charge thereof under such by-laws or ordinances as may from time to time be adopted by said common council; To provide for care, etc., of public property.

Fifth, To see that the several officers of the village perform their duties faithfully and correctly, and that proper measures are taken to punish neglect of duty in any of them; To have supervision of officers.

Sixth, To purchase and keep in order fire engines and other fire apparatus, and to make all needful rules and regulations for the safe keeping of the same, and to organize a fire department and define their duties and the duties of citizens at fires, and prescribe penalties for the violation thereof; To purchase, etc., fire apparatus.

Seventh, To establish fire limits within which no wooden building shall be built, enlarged, moved or placed; to regulate party walls, chimneys, flues and putting up stoves and stove-pipes; to regulate the construction of smith-shops, planing establishments, bakeries and other buildings considered extra hazardous; to guard against fires and to compel the owners of lots, or owners or occupants of buildings in such portions of the village as they shall deem best, to provide one or more fire buckets, and to regulate the keeping of the same; To establish fire limits, etc.

Eighth, To prevent vice or immorality; to preserve peace and good order; to establish and maintain a competent police; to suppress, restrain and close up all disorderly houses, houses of ill-fame or licentiousness, gaming tables or any other device or instrument for gaming, and to punish the keepers of the same when kept in violation of any by-law, rule, regulation or ordinance of said village; to cause vagrants, idlers, disorderly persons, persons drunk and disorderly, mendicants, street beggars, common prostitutes, impostors, and persons who shall be drunk or intoxicated in any hotel, tavern, inn or place of public business, or in any public assemblage of people, or in any street, lane, alley, park or common, or other public place, to be apprehended and punished, and for that purpose may use the common jail of the county of Allegan; To prevent vice, etc.

Ninth, To license and regulate the keeping of any tavern, hotel, victualing house, saloon or other house or place for furnishing meals, food or drink, or billiard tables or ball alleys; To license hotels, etc.

Tenth, To regulate theaters, shows and traveling concerts, and to require the person or persons who own or operate either of them to pay reasonable license fees; To regulate shows, etc.

Ten and one-half, To license and regulate auctioneers, auction sales, gift enterprises, hawkers, hucksters, peddlers and pawn-brokers, and to prohibit all persons from soliciting patronage or To regulate auctions, etc.

To prevent immoderate driving, etc.

taking orders for goods, wares or merchandise within the limits of said village without the payment of a reasonable license fee;
Eleventh, To prevent and punish immoderate riding or driving in the streets, and to provide penalties for leaving teams in the street unfastened;

To prevent nuisances, etc.

Twelfth, To prevent and remove nuisance, and to punish persons for committing the same;

To compel sidewalks to be cleaned.

Thirteenth, To compel the owners or occupants of lots to clean the sidewalks in front of and adjacent thereto of snow, ice, dirt and every incumbrance or obstruction;

To regulate storage of powder, etc.

Fourteenth, To regulate the storage of powder, naphtha, gasoline, nitro-glycerine, combustible oils, lumber and other combustible material, and the use of the same;

To prevent use of fire-arms, etc.

Fifteenth, To prevent the use of fire-arms, slung-shots, metal knuckles, and other weapons;

To regulate markets, etc.

Sixteenth, To regulate markets for sale of poultry, meat, vegetables, fruit, fish, hay, wood, lime, and lumber;

To establish pounds, etc.

Seventeenth, To restrain horses, cattle, sheep, swine, mules, and other animals, geese, and other fowls, from going at large in the streets of said village, under such penalties as they shall in the by-laws prescribe, and to establish and maintain pounds for the restraint of such animals or fowls running at large in violation of any by-law, rule, regulation, or ordinance of said village, and to make all needful rules and regulations for the effective use of the same;

To prevent dogs from running at large.

Eighteenth, To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction if found at large in violation of any ordinance of said village;

To erect lamps, etc.

Nineteenth, To erect lamps and cause the public grounds, and such of the streets of said village as they shall deem proper, to be lighted at such times as in their judgment the wants and interest of the village may require;

To establish building lines.

Twentieth, To establish lines upon which buildings may be erected and beyond which such buildings shall not extend;

To cause removal of unsafe buildings.

Twenty-first, To prevent the erection and provide for the removal of all buildings deemed unsafe;

To regulate hitching posts.

Twenty-second, To regulate the placing and provide for the preservation of hitching posts and shade trees;

To regulate the burial of the dead, etc.

Twenty-third, To provide burial places and to regulate the burial of the dead in said village, and to protect and preserve the monuments, tombstones, trees, and shrubbery, property, ornaments, improvements, grounds and fences in and around any cemetery in said village, and to appoint a proper person to have the charge and oversight of the same.

ARTICLE X.

Duty of assessor.

SECTION 1. It shall be the duty of the assessor, once in each year, to make an assessment roll containing a description of all the real and personal property in said village liable to taxation, and the name of the owner or occupant or agent thereof, if

known, and shall set down in such roll the valuation of such property at its fair cash value, as provided for in articles fourteen and fifteen of this act, and to perform such other duties as are provided for in said articles.

ARTICLE XIII.

SEC. 5. The board of trustees may cause to be raised by special tax such further sum as they may deem necessary, not exceeding one per cent of the assessed valuation of said village:

Provided, That the consent of a majority of the electors of said village, authorized to vote, who are present and voting, at an annual or special election called for that purpose, first be obtained.

SEC. 9. The board of trustees of the village of Allegan shall have the power, whenever authorized by a majority vote of the electors of said village who are present and voting at any annual or special election, to issue bonds on the credit of the village of Allegan, to obtain money for public purposes, and the welfare, safety and convenience of the inhabitants of the village, bearing interest at a rate not exceeding six per cent per annum, payable at such times and such places as the board of trustees may determine by resolution. And the board of trustees may cause to be raised by tax, in any one year, a sum not to exceed one-half of one per cent of the assessed valuation to be used in payment of said bonds. And the board of trustees shall not be allowed to issue or have outstanding at any one time a sum exceeding fifteen thousand dollars of bonded indebtedness.

SEC. 10. Before the board of trustees shall issue or cause to be issued any bonds, as provided for in section nine of this article, and whenever they deem it necessary, they shall direct the clerk of the village to cause notice to be given to the electors of the village, as provided for in section six of this article, specifying the purpose for which the bonds shall be issued, and in what amounts, the limit of interest and time of their payment, and the vote authorizing the issue of such bonds shall be conducted as provided for in section seven of this article, except the ballot shall read "For the bonds," or "Against the bonds," instead of "For the tax," or "Against the tax."

SEC. 11. In case the board of trustees shall be authorized by the vote of the electors of the village to issue bonds as provided for in section nine of this article, the same shall be duly issued and signed by the president, clerk and treasurer of the village, and they shall be recorded by number and amount by the village clerk in a book to be provided for that purpose; and it shall be the duty of the board of trustees to provide for the payment of said bonds, as the same shall become due, by tax upon the real and personal property in said village, to be levied and spread in the same manner as other village taxes, and such tax, when levied and collected, shall be kept in a distinct fund by the clerk and treasurer and known as the bond fund, and shall be applied to

Board may
raise money
by special tax.

Provide as to
consent of
electors.

May issue
bonds.

Payment of
bonds.

Limit of
indebtedness.

Notice of elec-
tion and con-
duct thereof.

Issue and
record of bonds.

Payment of
bonds.

the payment of the principal and interest on said bonds and for no other purposes.

ARTICLE XIV.

Assessment
roll.

SECTION 1. The assessor of said village shall, once in each year, and on or before the second Monday in May, make an assessment roll containing a description of all the property, both real and personal, liable to taxation in said village, and the name of the owner or occupant, or agent thereof, if known, and the names of all persons liable to pay a poll-tax in said village; and shall set down in such roll the valuation of such property at its true value, placing the value of real and personal property in separate columns.

Notice of
review of roll.

SEC. 2. The assessor, immediately after the completion of the assessment roll, and before any tax shall be levied on the same, shall give ten days' notice by posting in at least six public places in said village, that on a certain day and at a certain place in said village therein named, he will review said assessment roll, and that any person or persons deeming themselves aggrieved by such assessment may be heard.

Review of roll.

SEC. 3. The assessor, at the time and place mentioned in said notice, shall receive the complaints of any person or persons deeming themselves aggrieved by such assessment; and if it shall appear that any person has been wrongfully assessed, the assessor shall then and there alter such assessment roll as shall appear to him just and proper.

Roll to be
certified to
board of trustees.

SEC. 4. Immediately after the expiration of the ten days, and review of the assessment roll as aforesaid, the assessor shall certify the said roll, under his hand, to the board of trustees of said village.

Examination
of roll and endorsement
thereof.

SEC. 5. The board of trustees shall thereupon, after an examination of said assessment roll, certify the same back to the assessor with the amount of general, special and highway tax and bond tax to be raised, together with a particular description of the lots and the amount to be raised on each of said lots, as a special assessment for work done, as provided for in section four of article six of this act, which said certificate, endorsed on said assessment roll, shall be signed by the president and clerk of said village.

ARTICLE XV.

OF THE APPORTIONMENT OF TAXES.

Apportionment
of tax and form
of roll.

SECTION 1. The assessor of said village shall immediately after receiving the assessment roll, with the amount to be raised thereon as provided for in the preceding section, proceed to estimate, apportion and set down in four separate columns, opposite to the several sums set down as the value of real and personal estate on the assessment roll, in proportion to the individual and particular estimate and valuation as specified thereon, the respec-

tive sums in dollars and cents, as a general, special, bond and highway tax thereon; also, in a fifth column, opposite the particular description of individual lots, he shall set down the sums severally assessed on said lots as an assessment for special work done under section four of article six of this act, to be paid by the owner or owners or parties interested in such real and personal estate, and shall also set down in a sixth column on said assessment roll one dollar opposite the name of every person liable to pay a poll-tax in said village.

SEC. 2. Immediately after apportioning the tax as provided for in the preceding section, the assessor shall cause said assessment roll, certified to under his hand, to be delivered to the marshal of said village, with a warrant annexed thereto under the hand of the said assessor, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein, opposite their respective names, as a tax or assessment, together with three per cent upon all such taxes as shall remain unpaid at the expiration of thirty days from the date of said warrant, and authorizing him, in case any of them shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to pay such sums, when collected, to the treasurer of said village by a certain day therein named, not more than forty days from the date of such warrant.

Roll, with warrant annexed, to be delivered to marshal.

SEC. 3. The assessor may renew said warrant from time to time by direction of the board of trustees.

Renewal of warrant.

ARTICLE XVI.

SEC. 3. In case the marshal shall be unable to collect the taxes assessed on any real estate, he shall make a return thereof, within ten days after the expiration of the time limited in the assessor's warrant to him for the collection of the taxes, or in the renewal of the time thereof by the said assessor, as provided for in section three of article fifteen of this act, to the treasurer of said village; and all taxes levied upon real estate, and all assessments made thereon under or by virtue of the provisions of this act, shall be and remain a lien upon said real estate until the same is paid.

Return of uncollected taxes.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 542.]

AN ACT to authorize and empower the township board of the township of Maple River, in the county of Emmet, in this State, to compromise, settle and discharge a judgment rendered in the circuit court for the county of Emmet, in favor of the said township of Maple River, and against George W. Green, a

defaulting treasurer of said township, and William Kage, William Longaker and Leroy Sanford, his sureties, for less than the full amount thereof.

Township board
to settle judgment.

SECTION 1. *The People of the State of Michigan enact*, That the township board of the township of Maple River be and is hereby authorized and empowered to compromise, settle and discharge for a sum less than the full amount, and upon such terms and for such sum as the said board may deem just and equitable, but in amount not less than one hundred and fifty dollars, a judgment rendered in the circuit court for the county of Emmet, in favor of said township of Maple River, for the sum of four hundred and sixty-three dollars and thirty-one cents damages and costs against George W. Green, a defaulting treasurer of said township, and William Kage, William Longaker and Leroy Sanford, as his sureties, and upon the payment to the said township board of the amount for which said judgment is compromised, the said judgment shall be as fully and completely satisfied and discharged as if the whole amount of said judgment had been paid.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 543.]

AN ACT to amend section one of act number two hundred and fifty-seven of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Hillsdale," approved March eighth, eighteen hundred and sixty-nine, as amended by act number two hundred and fifty-three of the session laws of eighteen hundred and seventy-one, approved March thirty-first, eighteen hundred and seventy-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section one of act number two hundred and fifty-seven of the session laws of eighteen hundred and sixty-nine, entitled "An act to incorporate the city of Hillsdale," approved March eighth, eighteen hundred and sixty-nine, as amended by act number two hundred and fifty-three of the session laws of eighteen hundred and seventy-one, approved March thirty-first, eighteen hundred and seventy-one, be and the same is hereby amended so as to read as follows:

Territory
incorporated.

SECTION 1. That all that tract of country situated in the county of Hillsdale, and State of Michigan, and described as follows, viz: The south half of section twenty-two, the south half of the northwest quarter of section twenty-two, the northeast quarter of section twenty-two, and so much of the north half of the northwest quarter of section twenty-two aforesaid as lies east of the road running through the same from the city of Hillsdale to the village of Jonesville; the west half of the northwest quarter of section

twenty-three, the south half of section twenty-three, section twenty-six, section twenty-seven, the north half of the northwest quarter of section thirty-four, the north half of the northeast quarter of section thirty-four, the north half of the northwest quarter of section thirty-five, the northeast quarter of section thirty-five, and so much of the southeast quarter of the northwest quarter of said section thirty-five as lies east of the west boundary of the highway running southeasterly past the fair grounds in the city of Hillsdale and southeasterly through section thirty-five aforesaid, all being in township six south, range three west, be and the same is hereby constituted a city corporate under the name of the city of Hillsdale.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 544.]

AN ACT to amend section thirty-three of chapter seven and sections one, thirty-three, thirty-four, thirty-five and thirty-six of chapter eleven of act number three hundred twenty-six of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three.

SECTION 1. *The People of the State of Michigan enact*, That section thirty-three of chapter seven and sections one, thirty-three, thirty-four and thirty-five of chapter eleven of act number three hundred twenty-six of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seventh, eighteen hundred and eighty-three, be and the same are hereby amended so as to read as follows:

SEC. 33. The common council shall have power to make, grade, improve and adorn the public squares, spaces, grounds and parks belonging to or under the control of the corporation, and to control and regulate the same consistently with the purposes and objects thereof. It shall have power to establish, open, widen, extend, straighten, alter, vacate and abolish highways, streets, avenues, lanes, alleys and public grounds or spaces within said city; and to grade, pave, repair and otherwise improve the highways, streets, avenues, lanes, alleys or interior public spaces created by the intersection of streets, crosswalks and sidewalks in said city with stones, wood, brick or other material; and the common council shall have full power and authority to provide for the paying the costs and expenses thereof, by assessment in such manner as shall be prescribed by law, which assessment shall be a lien, until paid, on the lot, lots or premises on which the same are bounded, and shall be collected in such manner as shall be author-

Proviso as to re-paving, etc.

ized by law: *Provided*, That the costs and expenses of all re-paving and repairing of streets, avenues and highways within the city shall be paid by the city out of the repairing fund created and raised for such purpose. The said common council may also provide for working and improving all highways, streets, avenues, lanes, alleys and public spaces within said city, and may assess and levy upon the taxable property within said city, and expend such highway taxes therefor as may be necessary, and may elect whether the same shall be collected in money or labor in such amount as the common council shall prescribe for each ward respectively: *Provided*, Such highway taxes shall not in amount exceed the rates now fixed by law, and the same shall be assessed, levied and collected as other taxes.

Proviso as to amount of tax.

Division of revenue into funds.

SECTION 1. The revenues and moneys of the corporation shall be divided into the following funds, viz:

First, General fund, which shall be appropriated to defray the expenses of the city of Detroit, for the payment of which out of some other fund no provision is herein made;

Second, Contingent fund, to defray the contingent expenses of said city;

Third, Interest fund, to pay the interest on the funded debt of the city;

Fourth, Sinking fund, to pay the funded debt of said city;

Fifth, Detroit fire commission fund, to defray the expenses of purchasing lots, erecting engine houses thereon, purchasing engines and other fire apparatus, and all other expenses necessary to maintain the fire department of said city;

Sixth, Poor fund, to defray the expenses of providing for and taking care of the poor of said city;

Seventh, General road fund, to defray the expenses of repairing paved streets and alleys, and of grading, paving and improving the highways, streets and alleys of said city in front of or adjacent to the property of the corporation, and to defray the expenses of constructing and repairing crosswalks in the several wards of the city;

Eighth, District road fund, for each ward of the city, to defray the expenses of working, repairing, cleaning and improving the highways, streets and alleys in the ward for which such district road fund is constituted and raised;

Ninth, Sewer fund, to defray the expenses of constructing sewers in said city;

Tenth, Street opening fund, to defray the expenses of opening, widening, vacating, altering, straightening, extending or abolishing any highways, streets, alleys or avenues in said city;

Eleventh, Street paving fund, to defray the expenses of grading, paving and graveling, macadamizing or planking highways, streets, alleys, sidewalks and crosswalks in front of or adjacent to private property, and of putting curbstones and culverts therein;

Twelfth, Public building fund, for purchasing any real estate for the erection thereon of any public buildings, and to defray

the expenses of erecting, repairing and preserving such public buildings as the common council is authorized to erect and maintain and are not herein otherwise provided for; which fund shall, from time to time, be divided into special building funds, to defray the expenses of erecting, repairing and preserving the particular building or buildings for which such special building fund may be constituted or raised;

Thirteenth, Recorder's court fund, to maintain a recorder's court;

Fourteenth, Public lighting fund, to defray the expense of lighting the public streets, park, alleys [and] public places, public markets and public buildings of said city;

Fifteenth, Re-paving fund, to defray the expenses of re-paving streets, avenues and highlands in said city;

Sixteenth, Such other funds as the common council may constitute for special purposes, not inconsistent with nor to be taken from any of the funds above constituted or raised.

SEC. 33. Whenever the common council shall order any street, or any portion thereof, to be graded, or graded and paved, or re-paved, it may enter into contract for the making of such improvement according to the provisions of this charter, and after the cost and expense thereof has been ascertained, it shall cause the same, except the cost of re-paving, the cost of crosswalks and of the work at the intersection of cross-streets, to be assessed upon the lots and real estate herein made subject to such assessment as hereafter provided. In case of every contract for paving, the work to be performed thereunder shall be commenced and completed between the first day of May and the first day of November in each year: *Provided*, That when such paving shall not be completed at such time by reason of inclement weather, or other good cause, and from no fault of the contractor, the common council may extend the time for its completion.

Contracts for grading, etc.

When work to be done.

Proviso.

SEC. 34. For the purpose of such assessment, the lots and parcels of real estate situated on said street, and fronting the portion thereof ordered to be improved, shall constitute one local assessment district, unless the common council, with a view to make the assessment more equal and just, shall subdivide the same into two or more assessment districts. Such subdivision, if made, must be done before asking bids for the work; and in no case shall a city block be divided in making such division. The work for each local assessment district shall be bid for and let separately, and such bidding and letting shall show:

Assessment districts.

Bidding for and letting contracts.

First, The cost of all paving and grading, except that of the intersection of the cross-streets and alleys, the cost of the crosswalks at such intersections, and the cost of repaving;

Second, The cost of the grading and paving of each portion of the street included within the lines of intersection of any cross-street and alleys;

Third, The cost of the crosswalks at such intersections: *Provided*, That in case where a side street merely opens upon and does not extend across the street to be paved, the space formed

Proviso.

by extending the lines of the former street to the middle of the latter street shall, for the purposes of this act, be treated as the spaces formed by the intersection of cross-streets. All necessary platforms and curbings shall, for the purposes of such assessment, be deemed to be included within the term paving;

Fourth, The cost of all re-paving.

Assessment
according to
front.

Proviso.

How word
"front" con-
strued.

SEC. 35. The cost and expense of such improvement, except so much thereof as shall be for the work within the lines of intersection of cross-streets and alleys, for the crosswalks at such intersections, and for re-paving streets, avenues and highways, shall be assessed ratably, according to their extent of front, on the lots, parts of lots, or parcels of real estate directly fronting on and within the local assessment district: *Provided*, That if the assessment made on any such lot or other parcel of land shall, by reason of its triangular or other irregular shape, seem to the common council to be inequitable, said council may direct a just portion of such assessment to be paid from the general road fund. The cost of the work within the lines of the intersection of cross-streets, and also the cost of the crosswalks, shall be paid out of the general road fund. The cost of all re-paving of streets, avenues and highways of the city shall be paid out of the re-paving fund. The word "front," as used in this act, shall be construed to mean that part of the lot or other parcel of land which directly abuts on that part of the street to be improved.

Approved June 24, 1887.

[No. 545.]

AN ACT to provide for the confinement of persons who may be found guilty of the violation [of a village] ordinance or ordinances in incorporated villages in the county of Wayne in this State.

Persons con-
victed in vil-
lages of Wayne
county may be
sent to house of
correction.

Proviso.

Expense of
transportation,
etc., how paid.

SECTION 1. *The People of the State of Michigan enact*, That any person convicted of the violation of any of the ordinances of any incorporated village in the county of Wayne in this State, may, by any magistrate of competent jurisdiction of the offense, be sentenced to the house of correction, in the city of Detroit, for a period of not less than thirty nor more than ninety days: *Provided*, The common council or board of trustees of the village shall have made a contract with said house of correction in the city of Detroit for the care of such prisoners.

SEC. 2. All expenses in the transportation of such prisoners, and all charges of said house of correction shall be audited and paid out of the contingent fund of said village, and shall in no case be a charge against the county in which said village is situated.

This act is ordered to take immediate effect.

Approved June 24, 1887.

[No. 546.]

AN ACT to detach certain territory from the township of Kawkawlin and attach the same to the township of Bangor in Bay county.

SECTION 1. *The People of the State of Michigan enact*, That all that part of township fifteen [15] north, of range five [5] east, which is now included in the township of Kawkawlin in Bay county, be and the same is hereby detached from said township and attached to and made a part of the township of Bangor in said county.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 547.]

AN ACT amending the charter of the city of Detroit with regard to sidewalks, the laying, repairing and pay for the same.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-seven of chapter seven of act number three hundred and twenty-six of the session laws of eighteen hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, eighteen hundred and eighty-three, be and the same is hereby amended so as to read as follows:

SEC. 57. The common council shall have power to provide and ordain by ordinance that, whenever any sidewalk requires to be built or repaired, the board of public works shall notify the owner, agent, or occupant of any lot or parcel of land in front of or adjacent to which such walk is required to be built or repaired, to build or repair the same, and that if such agent, owner, or occupant shall neglect, for a time to be specified in the ordinance, to do such building or repairing, it shall be the duty of the said board to at once do or cause the same to be done, and in such case the expense thereof shall be assessed upon such lot or parcel of land, and shall be a lien thereon until collected and paid in a manner to be prescribed in such ordinance; and the owner so neglecting to build or repair shall be liable to the city for all damages which shall be recovered against the city for any accident or injuries occurring by reason of such neglect, and also to prosecution in the recorder's court, and, on conviction, to be fined not to exceed five hundred dollars and the penalties in the city charter elsewhere provided. The common council shall also have power, by ordinance, to designate and determine the materials of which all sidewalks in the city shall be constructed, and to regulate their width and manner of construction. To effect the purpose of this section and secure the prompt construction or

repair of sidewalks when ordered, and in anticipation of the collection of the expense thereof, to be assessed and collected as aforesaid, the common council shall have power to cause such expense to be paid in any case by warrant of the controller upon the contingent fund. All assessments in such cases paid after the expense of such construction or repair has been met, as above provided, by the city, shall be paid and credited to the contingent fund of the city.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 548.]

AN AOT to authorize the board of supervisors of Alpena county to issue bonds for the purpose of raising money to improve the highways leading from the city of Alpena to the several townships in said county.

Board of supervisors authorized to borrow money.

For what purpose.

Time of payment of bonds.

Proviso.

Tax for payment of bonds.

Money not to be borrowed unless majority of electors so vote.

Form of ballots.

SECTION 1. *The People of the State of Michigan enact*, That the board of supervisors of Alpena county be and are hereby authorized and empowered to borrow money, on the faith and credit of said county, and to issue bonds therefor to an amount not exceeding ten thousand dollars; the money so raised to be used for the purpose of improving the highways leading from the city of Alpena to the several townships in said county.

SEC. 2. The bonds so issued shall be made payable at a time or times to be fixed by said board of supervisors, not exceeding ten years from the date thereof, and shall bear interest at a rate not exceeding seven per cent per annum: *Provided*, Said bonds shall not be sold at less than their par value.

SEC. 3. The said board of supervisors shall have the power and it shall be their duty to raise by tax, upon the taxable property of said county, such sum or sums as shall be sufficient to pay the amount of said bonds, and the interest thereon, or any installment of said principal sum or interest as soon as the same shall become due.

SEC. 4. Such money shall not be borrowed nor such bonds issued, unless a majority of the qualified electors [of said county], voting at any general spring or fall election, shall so determine; and the said board of supervisors is hereby authorized and empowered to determine at what general spring or fall election the question of said loan shall be submitted to the qualified electors of said county of Alpena, and they shall cause notice thereof to be given in like manner as notice is required to be given of a special election under the provisions of section four hundred and ninety-two of Howell's Annotated Statutes. The vote upon such proposition shall be by ballot. Each person voting in favor of such proposition shall have written or printed, or partly written and partly printed on his ballot the words: "For

the loan;" and each person voting against such proposition shall have written or printed, or partly written and partly printed on his ballot the words: "Against the loan." It shall be the duty of the sheriff of said county of Alpena to provide for each polling place in the county a sufficient number of ballots both for and against such proposition. The election shall be conducted and the votes canvassed in all respects as in elections for county officers, and immediately upon the conclusion of such canvass the inspectors of election in each voting precinct of said county shall make out and sign two certificates in duplicate, showing the whole number of votes cast upon said proposition, and the number of votes cast for and against respectively, one of which duplicate certificates shall be filed with the clerk of the township in which such election is held, and the other with the clerk of said county of Alpena. The said board of supervisors, at their next annual meeting after such election, [shall, for the purpose of canvassing and ascertaining the result of such election], examine the certificates filed in accordance with the provisions of this section with the county clerk, and shall determine the result of such election, which said determination shall be spread upon the minutes of said board of supervisors.

This act is ordered to take immediate effect.

Approved June 25, 1887.

[No. 549.]

AN ACT authorizing the common council of the city of Port Huron to make a re-assessment to defray the expense of a public improvement on Pine Grove avenue, a street in said city, from Suffern street to the northern limits of said city, being the pavement of said street, and to legalize previous acts of the common council in reference thereto.

PREAMBLE.

WHEREAS, The common council of the city of Port Huron, on June fourth, eighteen hundred and eighty-three, in order to provide for public improvement and pavement on Pine Grove avenue, in said city, passed a resolution in the words and figures following:

WHEREAS, A petition has been presented to the council asking that Pine Grove avenue in the city of Port Huron, between the north line of Suffern street and the city limits, be graded, paved and curbed with cedar block paving and oak plank curbing; and

WHEREAS, The city engineer has, in pursuance of instruction from this council, reported that he has examined said petition and finds that the owners of a majority of the property per foot front, the front of which it is proposed to pave, as stated in said petition, which report has been accepted and adopted by this council; and

Idem.

WHEREAS, The superintendent of public works has, in pursuance of instruction from this council, examined said petition and the improvements asked for therein, and has reported to this council that in his opinion the same is a necessary improvement, and has further, in pursuance of such instruction, estimated to this council that the cost of making the improvement, as petitioned for, to wit: the grading, paving and curbing of Pine Grove avenue, aforesaid, with cedar block pavement and oak plank curbing, between the north line of Suffern street and the north line of Thomas street, thirty-five feet wide, to be the sum twelve thousand four hundred and thirty-seven dollars, and between the north line of Thomas street and the city limits, twenty-four feet wide, to be the sum of six thousand eight hundred and eighty-four dollars and ninety cents, which report and estimates are approved and adopted by this council as correct and as near the actual cost as may be; therefore

Resolution of
common coun-
cil.

Resolved, That the grading, paving and curbing of Pine Grove avenue, aforesaid, commencing on the north line of Suffern street and extending northerly to the city limits, as petitioned for, is hereby determined to be and is a necessary improvement, and is hereby ordered that Pine Grove avenue, aforesaid, between the north line of Thomas street, be graded and paved with cedar block pavement thirty-five (35) feet wide, and between the north line of Thomas street, and the city limits be graded and paved with cedar block pavement twenty-four (24) feet wide, and that the curbing be of oak plank four inches thick and fourteen inches in width, and that said work be performed in accordance with specifications presented to this council by the superintendent of public works, with his report, and adopted herewith;

Idem.

Resolved, That for the purpose of defraying the cost of grading, paving and curbing Pine Grove avenue within the city limits, above stated, the lots and parcels of real estate situate upon either side of said avenue or fronting thereon in the city of Port Huron, according to the plat of the military reservation between the north line of Suffern street and the city limits, be and they are hereby declared the lots and parcels of land benefited by such improvement, and those lots and parcels of land fronting on either side of Pine Grove avenue, aforesaid, according to such plat, between the north line of Suffern street and the north line of Thomas street, is hereby constituted and made one local assessment district to be known and designated as the Pine Grove avenue assessment district number one, and those lots and parcels of land fronting on either side of Pine Grove avenue, aforesaid, according to said plat, between the north line of Thomas street and the city limits, is hereby constituted and made one local assessment district to be known and designated as Pine Grove avenue paving assessment district number two.

Idem.

Resolved, That the superintendent of public works be and he is hereby instructed to advertise for proposals for grading, paving and curbing Pine Grove avenue, aforesaid, between the north line of Suffern street and the city limits, and that said advertisement

call for separate bids for each of the local assessment districts as defined by this resolution; and that such advertisement require the party to whom such contract is awarded to commence work thereon ten days after the contract thereof [therefor] has been signed, and to be completed within sixty days thereafter and that such advertisement be published in the official paper of the city at least three days, once a day, according to the requirements of the city charter;

Resolved, That one-fourth the cost of such improvement be *Idem.* assessed upon the lots and parcels of real estate fronting on either side of Pine Grove avenue, aforesaid, within the limits of said street to be so improved, as in this resolution defined, the present year, and the other three-fourths to be assessed upon the said property as follows: One-fourth in eighteen hundred and eighty-four, one-fourth in eighteen hundred and eighty-five, and one-fourth in eighteen hundred and eighty-six, as prescribed by the city charter, and that bonds be issued therefor as provided by the charter, and that the city engineer be and is hereby instructed to make out the necessary assessment and paving districts in accordance with the terms of the city charter as soon as a bid for said work is accepted by this council, and the exact amount necessary to be raised can be ascertained as prescribed by the charter.

WHEREAS, Such proceedings were thereupon and thereafter had by the said common council, in respect to such improvement, that on or about the twentieth day of August, A. D. eighteen hundred and eighty-three, the said city of Port Huron, under the direction of said common council, entered into a contract with John Huffman for the performance of said work; and *Action of common council recited.*

WHEREAS, After letting of said contract such further proceedings were had with respect to said improvement by said common council, that for defraying the expenses thereof an assessment was made, and the assessment roll made out and returned to said common council, and by them ratified and confirmed on or about the twenty-third day of August, A. D. eighteen hundred and eighty-three; and *Idem.*

WHEREAS, The said John Huffman performed the said contract upon his part, and has not received his compensation therefor, except in part and except as he may have disposed of the bonds of said city issued in payment of such improvement, and which depend for their payment entirely upon the validity of said assessment roll, and which bonds have not been paid, nor has said assessment been collected; and *Idem.*

WHEREAS, Said assessment has been declared null and void for *Idem.* the reason, among others, that two of the owners of the real estate upon said street were induced to sign the petition by pecuniary inducement, and because of the extreme haste in the passing of the various resolutions in reference thereto by said common council, and also because the specifications adopted divided said street into two districts, in one of which the cost was one dollar and twenty cents per foot frontage, and in the other of

which, known as district number one, the cost was one dollar and seventy cents per foot frontage, and because the resolutions were not submitted to the mayor for his approval, and because the proceedings indicated collusion between the bidders for such work, and because Charles Grieb was permitted to withdraw his bid, which was the lowest and which was put in by mistake at a figure less than intended, and after such withdrawal the contract was let to John Huffman, the next lowest bidder, and because in the opinion of the supreme court, under the facts, the contract was not let to the lowest bidder, but should have been re-advertised; and

Idem. WHEREAS, The said improvement, for which the said assessment was made has been fully completed, and it is just and equitable that the expenses thereof should be paid by the owners of real estate benefited thereby, and that the same should not be a charge upon all taxable property of the city; and

Idem. WHEREAS, A very large amount of the sums charged upon said special assessment roll have been paid by the persons assessed thereon, and the payment of the balance is only resisted by a few large property owners who are inclined to oppose public improvement unreasonably; and

Idem. WHEREAS, Some of the bonds for the payment of the contract price between the city and said Huffman have been disposed of for their face value, and are now owned by *bona fide* holders thereof who were entirely uninformed of the defects aforesaid, and who must lose their money unless the value of such improvement can be re-assessed; now therefore,

Council authorized to determine lots benefited, and cause a re-assessment to be made.

Sum to be assessed.

Manner of making re-assessment.

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Port Huron, for the purpose of defraying the costs and expenses of said above mentioned improvement, are hereby authorized and empowered, and it shall be their duty to determine and declare and set forth all lots or parcels of land benefited thereby, and to cause to be re-assessed upon the owners, occupants and the houses and lands so benefited such sums as the city engineer of said city may determine and certify to be the actual cost and expense of said improvement, not exceeding the lowest sum bid for such work when heretofore let, and such cost and expense to be exclusive of interest, and also exclusive of the cost of paving street intersections or other places that under the charter of said city, as it existed on June fourth, eighteen hundred and eighty-three, should be charged against said city at large, or any fund thereof; and such determination by the city engineer shall be examined, corrected, approved and ratified by said common council, and such re-assessment shall be made substantially in the manner provided for making original assessments of like nature by the charter of said city in force on June fourth, eighteen hundred and eighty-three, so far as the same relates to proceedings had subsequent to the letting a contract for the performance of work on a public improvement, except as modified by this act; such charter being known as "Act number two hundred and eighty-seven of the local acts of the Legislature

of the State of Michigan, A. D. eighteen hundred and seventy-seven,' and the amendments thereto prior to June fourth, eighteen hundred and eighty-three.

SEC. 2. Such sums as have heretofore been paid towards said improvement upon the houses and lands included in such re-assessment shall be applied, under the direction of the common council, to the credit of the persons and property on account of which the same were paid, and in case the credit shall exceed the sum re-assessed against such property, as herein provided for, the common council shall cause such excess to be refunded to the party who made payment thereof. All the provisions of said charter relative to making collection and return of special assessments shall apply to the re-assessment hereby authorized to be made, except as herein otherwise provided.

Sums paid on former assessments, how disposed of.

SEC. 3. The common council are authorized to divide said improvement into two special assessment districts as before divided, and to make two assessment rolls, one for each district for the collection of the cost of such pavement or improvement, and the entire cost of such improvement in each of such assessment districts shall be levied upon the property, public and private, within such district under the provisions of said charter.

Special assessment districts, etc.

SEC. 4. When the common council shall have examined, corrected, approved and ratified the determination of the city engineer, as aforesaid, then such engineer shall make out and return to the common council an assessment roll for each of such assessment districts, in which he shall describe the several lots or parcels of private property situate within such district, and shall name the owners and occupants of the same as far as they can be ascertained, and he shall in said roll assess to each lot or parcel of land its proportion of the total cost and expense of such improvement or repairs within the district in which it is located, according to the benefits to be derived from the same, providing that such assessment shall be according to the foot frontage of property fronting on said street or improvement.

Assessment rolls.

SEC. 5. When the assessment roll is thus completed, the city engineer shall give notice by at least two weekly publications in the official newspaper of the city that such assessment has been completed, and will remain in his office two weeks from the first publication of said notice for the inspection of all concerned, during which time any person interested may file with said engineer, in writing, such objections as they may wish to such assessment roll. At the expiration of said two weeks the city engineer, after any needed revision or correction of said rolls, shall submit the same to the city attorney, who shall examine the same and annex his certificate thereto that the same has been made out in accordance with the city charter, and the city engineer shall thereupon report it to the common council, with such objections as have been filed thereto. The council shall review said rolls and consider the objections, and may refer the said rolls back to the engineer for further revision or correction, and when satisfied with the same it shall, by resolution, confirm the same. From and after

Notice of completion of roll.

Engineer to revise roll.

Council to review and confirm roll.

such confirmation the assessment in said rolls shall constitute a lien, until paid, upon said lots or parcels of land and a personal charge against the owner or owners thereof.

Controller to
annex warrant
to roll.

SEC. 6. After the confirmation of any such rolls the city clerk shall deliver the same, with a certified copy of the resolution of confirmation annexed thereto, to the city controller, and it shall be the duty of the controller to annex thereto a warrant directed to the city treasurer authorizing and empowering the collection of the taxes therein set forth, together with a percentage of one per cent per month, to be added each and every month in advance, after the first month until the same is paid, and commanding him to collect from the persons named in the assessment rolls the assessment or taxes therein specified and set forth as due from such person, and for such purpose, if necessary, to levy and sell the personal property of such persons refusing or neglecting to pay the same whenever and wherever the same may be found within the limits of said city or within the limits of St. Clair county; and for the purpose of collecting such tax the city treasurer is hereby vested with all the powers and authority given to township treasurers for the collection of taxes. And upon the receipt of such rolls it shall be the duty of the city treasurer to give notice, by at least two weekly publications in the official newspaper of said city, that said roll has been received by him and will remain in his hands for thirty [30] days from the first publication of said notice and requiring the owners, occupants or parties interested in such real estate, within that period to pay such assessment, and that an addition of one per cent will be made to such assessment at the expiration of said thirty days, and a like addition at the expiration of every thirty days thereafter until such assessments are paid or collected.

Treasurer
to collect.

Power of treasurer to levy,
etc., under
warrant.

SEC. 7. By virtue of said warrant the city treasurer shall have power to levy upon the personal property of persons from whom taxes are due, wherever and whenever the same may be found within the limits of said city, or within the limits of the county of St. Clair, and shall sell the same in the same manner and with the same duties and powers of proceeding as now or hereafter may be approved by laws of this State for the collection of taxes by township treasurers or collectors; and all moneys collected by virtue of said rolls shall be held by said treasurer and paid out for the purpose they were raised in the manner provided for in the charter of said city as in force on June fourth, eighteen hundred and eighty-three.

Tax to be lien.

SEC. 8. The special tax provided for herein shall be and remain a lien upon such lots and premises from the time of making such re-assessment, or imposing any such tax, until paid, together with all costs and charges therein, and the owner of or parties interested in said real estate shall be liable on demand to pay such tax or assessment, and if he object and default in paying the same or any part thereof, or if such person or persons be non-residents of said city, or goods and chattels cannot be found out of which to collect such assessment or tax by levy and sale, as hereinbefore provided,

or in case the city treasurer is unable from any other cause to collect said tax or assessment, it shall be lawful for said city treasurer, at any time after the expiration of the ninety days from the date said rolls were placed in his hands for collection, to cause a notice to be published in the official newspaper of said city for four successive weeks, requiring the owner or parties interested in such lands or premises to pay such tax or assessment, and that if default be made in making such payments, such real estate or premises will be leased at public auction, on a day and at a place to be specified in said notice, for the lowest number of years at which any person shall offer to take the same in consideration of paying such assessment or tax, and all the costs and charges of such sale.

Proceedings in case of non-payment of tax.

SEC. 9. The common council shall have power to embrace the entire cost of such re-assessment in one assessment roll for district number one, and in one assessment roll for district number two, and to each of such rolls shall be attached a warrant as provided in section six of this act, and such warrant may be renewed and extended from time to time by the controller or the common council, in their discretion.

Entire assessment to be made in two rolls.

SEC. 10. The proceeds of each special assessment as herein provided, shall constitute a fund for the specific purpose for which such assessment was made, and shall be credited by the city treasurer to the district in which the property paying the same shall be located, and shall be applied by the city treasurer in payment of the bonds heretofore issued by said city for such improvement, or in payment of such person who may have made such improvement or their lawful assigns.

Proceeds of special assessment to be a specific fund.

SEC. 11. If the owner or parties interested in such real estate or premises do not pay such assessment or tax, with the cost and charges, within the period above prescribed for the publication of said notice, then the said city treasurer shall have power, without further notice, to cause such real estate or premises to be leased at public auction for the lowest term of years at which any person shall offer to take the same, in consideration of advancing or paying such assessment or tax, with costs and charges thereof, and to direct the execution of the proper certificate of such lease to the purchaser thereof, and if such real estate or premises shall not be redeemed for one year after such sale thereof, as hereinafter provided, the controller shall, in the name of and for the city of Port Huron, execute and deliver to such person or his assignee a proper lease or conveyance of such real estate or premises for the term for which the same was sold, which lease or conveyance shall, in all courts, be *prima facie* evidence of the regularity of all proceedings under which the sale was made and the lease executed up to the date of the lease, and to the regularity of the lease.

Real estate to be leased for non-payment of tax.

SEC. 12. When any lands or premises shall be sold according to the foregoing provisions, if the owner or parties interested in the same shall, within one year after such sale, deposit with the treasurer of said city for the use of the purchaser, the full amount of the assessment or tax for which such real estate was sold and such interest as is hereinafter authorized, together with the

When lease to be null.

amount of costs and charges, then the term for which such real estate or premises was sold shall cease and be null and void and be determined at the time of making such deposit, and on presentation of the certificate of sale thereof the treasurer shall pay such deposit to the owner of such certificate.

Interest on*
unpaid taxes,
etc.

SEC. 13. Interest shall be charged at the rate of ten per cent per annum, and the interest shall be computed from the day of sale up to the end of the quarter year limited by such redemption.

Certificates to
be issued in
duplicate.

SEC. 14. All certificates of sale or lease and of redemption shall be issued in duplicate and countersigned by the controller, and charged to the city treasurer, in the same manner as provided for charging of taxes under the charter of said city and as in force on June fourth, eighteen hundred and eighty-three.

Execution and
recording of
conveyances.

SEC. 15. The controller may execute, in the name of the corporation, and under its corporate seal, proper conveyance of all lands, tenements or hereditaments sold for such re-assessment, which, when duly acknowledged by the controller, may be recorded as other conveyances of land under the laws of this State.

Controller may
bid in real
estate for the
corporation.

SEC. 16. It shall be the duty of the controller to bid in for the corporation, at any sale of real estate for such special assessment, every lot of land or premises for which no person shall offer to bid, and if any person or persons shall neglect or refuse to pay the sum or sums bid by him, within the time and under the regulations prescribed by this act, such bid shall inure to the use and benefit of the corporation. Upon all such bids by the controller, and all bids, as aforesaid, to the use and benefit of the corporation, conveyances and certificates of sale may be executed to the corporation by the controller and recorded in the same manner as provided in other cases of sale for the non-payment of taxes, and the city shall have the same rights as any other purchaser.

When lands bid
in for city to be
offered for sale.

SEC. 17. The lands so bid in for the city shall be offered for sale by the controller the first Monday in May of each year for five years, and lists of the same shall be published in the official newspaper of the city for three weeks prior to said sale. Such lands shall be offered for sale at the minimum bid, to be the charge, cost [costs] of advertising, not exceeding one dollar for each description of land, and interest at ten per cent from the time when such tax accrued. If no one else shall offer to buy the interest of the city at such sale, the same may be sold by the controller at a private sale at any time thereafter for such minimum bid. At the end of five years the interest of said city shall be sold to the highest bidder. But if for any cause the sale provided for in this section should not take place, as above provided, the common council may cause such sale to take place at any other time.

Proceedings,
etc., to be
prima facie
evidence of
regularity.

SEC. 18. All proceedings and assessment rolls under this act, conveyances, certificates of sale and leases of any lands, tenements or hereditaments executed by the corporation or any of its officers by virtue of this act, shall be taken and received in all courts as *prima facie* evidence of the regularity of the proceedings by which such tax was assessed or levied, and of all proceedings prior thereto.

SEC. 19. The several defects recited in the preamble to this ^{Defects cured and legalized.} act are hereby cured and legalized, and all the acts and proceedings of said common council in levying such assessment are hereby declared legal and binding from and after the passage of this act, the same as if they were in conformity to law when originally done, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 550.]

AN ACT to detach certain territory from the township of Garfield in the county of Grand Traverse and attach the same to the township of Traverse in said county.

SECTION 1. *The People of the State of Michigan enact*, That the following described territory, situate in the township of Garfield in the county of Grand Traverse, be and the same is hereby detached from the said township of Garfield and attached to the township of Traverse in said county, to wit: A part of the south-east quarter of the northwest quarter of section four (4) in town twenty-seven (27) north, of range eleven west, and more particularly described as follows, to wit: Beginning at the northeast corner of the southeast quarter of the northwest quarter of section four (4) in town twenty-seven (27) north, of range eleven (11) west, and running westerly seven hundred and eighty-six (786) feet, thence south four hundred (400) feet, thence east seven hundred and eighty (780) feet, thence north four hundred and eighty (480) feet to the place of beginning. ^{Territory described.}

SEC. 2. The taxes assessed on said detached territory, for the year eighteen hundred eighty-seven, by the supervisor of the township of Garfield, shall be paid in the same manner as other taxes to the treasurer of said township and belong to the same township, and be paid out by the treasurer for the purposes for which raised and assessed. ^{Disposition of taxes assessed on detached territory.}

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 551.]

AN ACT to authorize the township of Flushing in Genesee county, Michigan, to borrow money to be used in public improvements in and for the benefit of said township, and to issue bonds therefor.

SECTION 1. *The People of the State of Michigan enact*, That the township of Flushing in Genesee county, be and it is hereby authorized and empowered to borrow, on the faith and credit of said township, the sum of thirty thousand dollars, which is to ^{Township authorized to borrow money.}

When payable. become due and payable as follows, viz: One thousand dollars each year for five years from the date of said loan; two thousand dollars each year for the next five years, and three thousand dollars each year for the five years then next following, at a rate of interest not exceeding five per cent per annum, and to execute the coupon bonds of said township therefor in such form as said board shall determine.

Two-thirds majority vote of electors required to authorize board to borrow. SEC. 2. Such money shall not be borrowed nor such bonds issued unless a two-thirds majority of the qualified electors of said township, voting at a special election to be called for the purpose of voting on said loan, shall so determine; and the said township board is hereby authorized and empowered to call a special election for the purpose of submitting the question of said loan to the qualified electors of said township, giving due notice thereof by causing the date, place of voting and object of said election, to be stated in written notices, and by posting said notices in five public places in said township not less than ten days before said election, which notices shall state the amount of money proposed to be borrowed.

Form of ballots. SEC. 3. The vote upon such proposition shall be by ballots, either written or printed, or partly written and partly printed. Ballots in favor of such proposition shall be in the following words: "For the public improvement loan—Yes;" and ballots against the same shall be in the following words: "For the public improvement loan—No." And it shall be the duty of the said township board to provide at the polls of such election, during the whole time while the same shall be open, a sufficient number of ballots, both for and against such proposition, printed or written in the form above indicated, to furnish all the electors desiring to vote thereon. The election shall be conducted and the votes canvassed in all respects as in other township elections, and immediately upon the conclusion of such canvass, the inspectors of the election shall make and sign a certificate showing the whole number of votes cast upon such proposition and the number for and against the same respectively; and not later than the day following said election said inspectors shall endorse upon said certificate a declaration in writing over their hands and seals, of the result of such election, which declaration and certificate shall then forthwith be filed with the clerk of said township to be preserved by him among the archives of said township, and a copy thereof, certified to by said township clerk, shall by him be filed with the clerk of said Genesee county.

Conduct of election and canvass of votes. SEC. 4. Any money borrowed under the provisions of this act, shall be expended in public improvements in and for the township of Flushing, Genesee county, Michigan, and for no other purpose whatever; and in the case of the issue of such bonds it shall be the duty of the supervisor of said township to assess, and the treasurer of said township to collect in each year thereafter, in addition to any taxes now authorized by law to be assessed and collected in said township, an amount sufficient to pay all interest upon such bonds accruing and becoming payable

How money to be expended.

Taxes for payment of bonds, etc.

therein, and also any installment of the principal thereof falling due in any such year, and the said interest shall be payable by said treasurer after the same shall become due, on presentation to him of the proper coupons, and the said principal shall be payable by said treasurer after the same shall become due, on presentation to him of the proper bond.

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 552.]

AN ACT to authorize the county of Presque Isle to issue bonds and to create a sinking fund for the payment thereof, and of bonds heretofore issued.

SECTION 1. *The People of the State of Michigan enact, That* the county of Presque Isle, by its board of supervisors, is hereby authorized and empowered to issue bonds upon the faith and credit of said county, and to provide for the payment thereof and of all bonds heretofore issued by said county, by establishing a sinking fund therefor. Authorized to issue bonds and establish a sinking fund.

SEC. 2. Said bonds, the issue of which is hereby authorized by this act, shall be issued in sums of one hundred dollars each, to be issued in behalf of said county by the chairman of said board of supervisors and the treasurer of said county; they shall draw interest at a rate not exceeding six per cent per annum, payable annually, and shall be payable at the office of the county treasurer of said county, or at such other place or places as said board shall direct. They shall not exceed in the aggregate the sum of twenty thousand dollars; nor shall they exceed by more than one thousand dollars the amount of the floating indebtedness of said county on the first day of January, A. D. eighteen hundred and eighty-seven, as such floating indebtedness shall be certified to said board by the treasurer and clerk of said county. Issue of bonds.

SEC. 3. Bonds [issued] pursuant to this act shall run such length of time, not exceeding twenty years, as shall be designated by resolution of said board. They may be exchanged for the outstanding county warrants of said county at the time of their issue, or under the direction of said board be sold at not less than their par value; and it shall be the duty of said county treasurer to apply such bonds so issued, and the proceeds of the sale thereof, to the payment and retiring of the floating indebtedness of said county on the first day of January, eighteen hundred and eighty-seven, and to no other purpose whatever, except that upon the issuing of said bonds he may apply such sums (not exceeding one thousand dollars) as may be directed by said board, to the payment of the accrued interest upon the present outstanding bonds of said county. Amount limited.

SEC. 4. It shall be the duty of the clerk and treasurer of said Time bonds to run and for what to be exchanged.

Proceeds to be applied to certain purpose.

County indebtedness to be ascertained.

Proviso as to vote of electors before issue of bonds.

Special election.

Conduct of election.

Vote to be by ballot.

Canvass and return of vote.

Tax for sinking fund.

How money from sinking fund to be invested.

county, upon the request of said board, to ascertain the amount of the floating indebtedness of said county, together with the unpaid interest then due upon the present bonded indebtedness of said county, and render a certified tabular statement thereof to said board: *Provided*, That no bonds shall be issued under the provisions of this act unless the majority of the votes cast by the electors of said county voting upon the question of the issue of said bonds at such election shall be in favor thereof.

SEC. 5. When any special election is called by said board of supervisors under the provisions of this act, it shall be the duty of the sheriff of said county, at least ten days previous to the day of holding, to notify the township clerks of the several townships in said county of the election aforesaid, and said township clerks shall post notices of such election in their townships in three of the most public places in each of said townships at least five days previous to the day of holding such election. Such election shall be conducted as near as may be as is now provided by law in cases of regular township elections.

SEC. 6. The inspectors of such election in each of the townships in said county shall provide a ballot box marked "Loan for county bonds," in which all votes cast under this act shall be deposited. All votes given in favor of or against said loan shall be by ballot. Those voting in favor thereof shall have written or printed, or partly written and partly printed on their ballots the words: "For the loan for county bonds." Those not in favor thereof shall have written or printed, or partly written and partly printed, on their ballots the words: "Against the loan for county bonds." The votes cast under this act shall be canvassed and returned in the same manner, as near as may be, as in the canvass and return of votes cast for county officers, and the result of said vote shall be determined and certified by the board of county canvassers on the second Tuesday after such election.

SEC. 7. It shall be the duty of said board of supervisors to cause to be annually spread upon the assessment rolls of said county a special tax for the purpose of forming a sinking fund for the payment of its bonded indebtedness, both present and to be created under this act. The amount of such special tax shall be determined by resolution of said board at its annual meeting in October in each year, but shall not in any one year be more than two thousand dollars, nor less than one thousand dollars. Such special tax shall be payable only in legal tender moneys of the United States, and when collected shall be set apart under the direction of said board as a sinking fund for the payment of the principal and interest of the bonded indebtedness of said county, and shall be used for no other purpose whatever. Such annual special tax shall be raised each year until the fund so accumulated shall be sufficient to extinguish the bonded indebtedness of said county and no longer.

SEC. 8. The moneys belonging to such sinking fund shall, while such bonded indebtedness is unmatured, be by the county treasurer invested in such securities as the board of supervisors

may direct. But it shall be the duty of the county treasurer to withdraw from such fund so invested, from time to time, as either interest or principal of such bonded indebtedness shall become due and payable, sums sufficient to enable him to pay the amounts then due. It shall be the duty of the county treasurer to keep a separate account of all moneys belonging to said fund, and to render a statement thereof to the board of supervisors whenever requested so to do.

[This act is ordered to take immediate effect.]

Approved June 27, 1887.

[No. 553.]

AN ACT to legalize certain drain taxes in the township of Ganges and county of Allegan, and to authorize the supervisor of said township to re-spread the same.

SECTION 1. *The People of the State of Michigan enact, That* all the proceedings had in laying out and constructing certain ditches or drains in the township of Ganges, and county of Allegan, in the years eighteen hundred and eighty and eighteen hundred and eighty-one, for which taxes were assessed for the payment of the same on the following described lands, to wit: The southwest quarter of the southwest quarter of section thirteen, the northwest quarter of the southwest quarter of section twenty-four, the northeast quarter of the northeast quarter of section thirty-five, the north half of the southeast quarter of section twenty-six, and the southeast quarter of the southwest quarter of section twenty-three, all in town two north, of range sixteen west, and which sum has not been collected and paid, are hereby declared legalized, and the supervisor is hereby authorized to re-spread the same, with interest thereon at seven per cent per annum, upon the assessment roll of said township for the year eighteen hundred and eighty-seven on the above described lands, and such tax is hereby declared a legal and valid lien upon said property for the full amount of such taxes, as though the proceedings heretofore had been regular in every particular.

Certain drains and the taxes therefor legalized.

Supervisor authorized to re-spread tax.

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 554.]

AN ACT to authorize the village of Cheboygan in the county of Cheboygan to erect, operate and maintain an electric light plant in connection with its water-works.

SECTION 1. *The People of the State of Michigan enact, That* the village of Cheboygan in the county of Cheboygan is hereby authorized to erect, operate and maintain in connection with its

Village authorized to erect, etc., electric light plant in

connection
with water-
works.

Proviso.

Further proviso
as to expense.

Further
proviso.

water-works, under such rules and regulations as the council of said village may adopt, an electric light plant, or system of electric lighting, for lighting the streets and public places of the village, and for that purpose may connect with, attach to and make use of, so far as is practicable, any of the apparatus, machinery or power which has or shall be erected and provided by said village for operating its water-works: *Provided*, No such connection, attachment or use shall be made unless, in the opinion of the council of said village, there shall be sufficient of such apparatus, machinery and power for operating such electric light plant, beyond or over and above that which shall be necessary to effectively operate the water-works of said village: *Provided further*, That the sum which the council of said village is authorized hereby to expend, in any one year, for erecting and operating an electric light plant shall not, unless authorized by the electors of said village, as provided in the act under which said village is incorporated, exceed the sum of six thousand dollars: *And provided also*, That the sum which the council shall raise for such purpose shall be included in the amount which, by the provisions of section one of chapter nine of act number sixty-two of the laws of eighteen hundred and seventy-five as amended, the council of said village is authorized to raise.

This act is ordered to take immediate effect.

Approved June 27, 1887.

[No. 555.]

AN ACT to authorize the highway commissioners of the townships of Walker and Alpine in the county of Kent to receive contributions in money or labor, to be expended under their direction in grading, graveling and improving a certain road in said county, and to declare the said road forever a free road.

PREAMBLE.

Road described.

WHEREAS, Certain of the inhabitants of the townships of Walker, Alpine and Sparta in the county of Kent are desirous of making contributions in money and labor, to be expended in the grading, graveling and improving of a certain highway in the said townships of Walker and Alpine, commencing at a point at the southwest corner of section fourteen (14), and the southeast corner of section fifteen (15), in said township of Walker, and running thence north three miles in said township of Walker, and north four miles in said township of Alpine, and are desirous of having the money contributed expended and the labor contributed applied upon said road under the direction of the highway commissioners of said townships, and are desirous of having said road, when so improved, maintained forever as a free road and not appropriated by any toll road company; now, therefore:

SECTION 1. *The People of the State of Michigan enact*, That the highway commissioners of the said townships of Walker and Alpine in the county of Kent, or either of them, are hereby authorized to receive contributions in money from any person desirous of making the same, to be expended upon the highway mentioned in the preamble of this act, and are hereby authorized to direct and oversee the labor of any person contributing labor to the improvement of said road; and the said commissioners are hereby required to expend all money so received by them in the improvement, grading and graveling of the said road as soon as convenient after the same is received.

SEC. 2. The highway mentioned and described in section one of this act is hereby declared forever a free highway, and not liable or subject to be taken and appropriated under the plank and toll road acts of this State.

SEC. 3. The provisions of this act shall apply to any continuation of said road directly north on the same line as far as the village of Sparta Center in said county.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 556.]

AN ACT to authorize the village of West Branch in the county of Ogemaw to raise money to make public improvements in said village, to issue bonds therefor, and to provide for the levy of taxes therein to pay the same.

SECTION 1. *The People of the State of Michigan enact*, That the board of trustees of the village of West Branch in the county of Ogemaw be and is hereby authorized and empowered to borrow money on the faith and credit of said village, and to issue bonds therefor to an amount not to exceed twenty-thousand dollars, which shall be expended in making public improvements in said village of West Branch: *Provided*, That a majority of the qualified electors of said village, voting at an election to be called in conformity with the requirements of act number sixty-two of the session laws of eighteen hundred and seventy-five, shall vote in favor of such loan in the manner specified in said act, and not otherwise.

SEC. 2. If such loan shall be authorized by a majority of such electors, said bonds may be issued in such sums not exceeding the amount hereinbefore limited, and payable at such times, with such rate of interest, not exceeding six per cent per annum, as the board of trustees shall direct, and shall be signed by the president and countersigned by the clerk and sealed with the seal of said village, and negotiated by or under the direction of said board of trustees; and the money arising therefrom shall be appropriated in such manner as said board of trustees shall

Tax for the pay-
ment of bonds.

Proviso.

determine for the purpose aforesaid, and the said board of trustees shall have power, and it shall be their duty, to raise by tax upon the taxable property of said village such sum or sums as shall be sufficient to pay the amount of said bonds and the interest thereon, as fast as the same shall become due: *Provided*, That no money raised under the provisions of this act shall be used to aid in the construction of any railroad.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 557.]

AN ACT to authorize the city of Saginaw to purchase and maintain the State road bridge across the Tittabawassee river, in the county of Saginaw, and the approaches and appurtenances thereto, for a free public highway, and to issue bonds for that purpose, and to authorize any township or townships in Saginaw county to contract with said city, for the purpose of aiding said city in such purchase and maintenance, and to authorize such townships to raise money by taxation and to issue bonds for such purpose.

City of Saginaw
may purchase
certain bridge,
and maintain it
as a free bridge.

SECTION 1. *The People of the State of Michigan enact*, That the city of Saginaw may purchase and maintain the State road bridge across the Tittabawassee river in the county of Saginaw, and the approaches and appurtenances thereto, upon such terms as may be agreed upon with the owners thereof; when so purchased said bridge, with its approaches and appurtenances, shall become and be a part of the free public highways of said city, and shall be maintained and be subject to the jurisdiction, police regulations and control of said city, in all respects the same as though included within the corporate limits thereof, and said city may contract with the towns of Saginaw county for the purpose of securing their aid in the purchase and maintenance of said bridge.

City may issue
bonds.

SEC. 2. Said city may issue bonds for not more than twenty thousand dollars, payable in not less than ten years and not more than forty years, at not more than seven per centum interest per annum, payable annually or semi-annually, for such sum as may be necessary to purchase said bridge with its approaches and appurtenances.

Proviso as to
vote of electors.

SEC. 3. *Provided* that said city shall not purchase said bridge and its approaches and appurtenances, nor issue any bonds therefor until first authorized by a majority of the qualified electors voting thereon at some election duly called therefor, at which the matter shall be submitted substantially in the manner following, to wit: The common council of said city shall first, by resolution, determine that it is expedient to purchase said bridge and its approaches and its appurtenances, and to issue the bonds of said city for that purpose, and the amount thereof, and the manner and

place in which they shall be payable and the rate of interest they shall bear.

SEC. 4. At the election to determine the question of purchasing said bridge and its approaches and appurtenances, electors voting in favor thereof shall use a ballot in substantially the following form: "For the purchase of the State road bridge and the issue of bonds therefor—Yes;" and electors voting against the same shall use a ballot in substantially the following form: "For the purchase of the State road bridge and the issue of bonds therefor—No;" and such election shall be conducted in substantially like manner as the special elections held to vote upon the question of issuing bonds as provided in the charter of said city.

Form of ballot to be used at election.

SEC. 5. After such purchase of said bridge and its approaches and appurtenances, the common council of said city may, by resolution or ordinance, provide for its care, management and maintenance.

Care, management and maintenance of bridge.

SEC. 6. Any township or townships within Saginaw county may contract with and pay to the city of Saginaw, either in money or its bonds, either one sum in gross or by annual payments, as an inducement to and consideration for said city to buy and maintain said bridge and its approaches and appurtenances as a free public highway, and for the purpose of aiding such purchase and maintenance such sum as may be agreed upon by and between the township board of said township and the common council of said city, and for such purpose said township may raise the needful sums by taxation, or may issue its bonds in whole or in part therefor, said bonds to be payable in not less than one year nor more than forty years, and drawing interest at not more than seven per centum per annum, payable either annually or semi-annually.

Townships may contribute to the purchase and raise money therefor.

SEC. 7. Provided, that the board of any such township shall not enter into contract with, or pay any money or deliver any bonds to said city for such purpose, until first authorized by a majority of the qualified electors voting thereon at some general election or special election duly called therefor, and such special election may be ordered by the township board without previous request therefor, at which election the matter shall be submitted substantially in the manner following, to-wit: The township board of said township shall first, by resolution, determine that it is expedient to contract with said city and to pay it such sum as it may determine, and in the manner it may determine, as an inducement to and consideration for said city to buy and maintain said bridge and its approaches and appurtenances, and to aid therein, and also whether it is expedient to issue bonds of said township for such purpose, and the amount needful and the manner, place and time for the payment thereof, and the rate of interest such bonds shall bear.

Provide as to vote of electors in township.

Manner of submitting the matter to vote.

SEC. 8. At the township election to determine whether such township will so contract with the city of Saginaw, for such purchase and maintenance of said bridge and its approaches and appurtenances, and aiding said city in the purchase thereof,

Ballots to be used and conduct of election.

electors voting in favor thereof shall use a ballot in substantially the following form: "For contract with the city of Saginaw to aid it to purchase and maintain the State road bridge as a free public highway and issuing bonds therefor—Yes;" and electors voting against said proposition shall use a ballot in substantially the following form: "For contract with the city of Saginaw to aid it to purchase and maintain the State road bridge as a free public highway and issuing bonds therefor—No;" and such election shall be conducted in substantially like manner as the town meetings in said township as near as may be.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 558.]

AN ACT to confirm the assessment and the levy of taxes for municipal purposes in the city of East Saginaw for the years eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, under the provisions of the charter of said city, and all title to land leased on the sales made by said city for non-payment thereof, and to authorize said city to institute suits for the recovery of such lands, and in certain cases to maintain proceedings in chancery for the enforcement of the lien of said taxes.

Certain sales
of lands ratified.

SECTION 1. *The People of the State of Michigan enact, That* all the several sales made by the city treasurer of the city of East Saginaw of lands situate in said city, for the non-payment of the city taxes and assessments levied thereon for any of the several years of eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, respectively, under the provision of the charter of said city, being act number two hundred and fifty-five of the laws of Michigan of the year eighteen hundred and seventy-three, approved April eighteen, eighteen hundred and seventy-three, entitled "An act to amend an act entitled 'An act to incorporate the city of East Saginaw,' approved February fifteenth, eighteen hundred and fifty-nine, as amended by act number fifty-six of the session laws of eighteen hundred and sixty-one, and act number seventy-nine of the session laws of eighteen hundred and sixty-five, approved March first, eighteen hundred and sixty-five, and act number three hundred and ninety-one of the session laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, and act number two hundred and eighty-four of the session laws of eighteen hundred and sixty-nine, approved March sixteenth, eighteen hundred and sixty-nine, and act number two

hundred and sixty-two of the session laws of eighteen hundred and seventy-one, approved April twelfth, eighteen hundred and seventy-one, and act number thirty-eight of the session laws of eighteen hundred and seventy-two, approved March twenty-ninth, eighteen hundred and seventy-two," which lands were bid in by the controller of said city in its behalf for want of other bidders, are hereby ratified; that all irregularities in such tax proceedings from the assessment of the tax to the sale of the lands inclusive, are hereby cured, and the title and right to the possession of said lands, so bid in and now held in behalf of said city, is hereby declared to be vested in said city and its assigns for the full term of years for which the same were originally purchased.

SEC. 2. Said city of East Saginaw and its assigns are hereby authorized to enter upon and take possession of all such lands, and to have, hold and enjoy the same for the remainder of the full period for which the same were sold to said city, and in the event of adverse possession of said lands, to institute and maintain all proper proceedings by suit, in ejectment or otherwise, to recover possession and full enjoyment of all said lands for the term aforesaid.

SEC. 3. If, on the trial of any suit in ejectment brought by said city to recover possession of any lands sold to it for non-payment of the taxes levied in any of said several years, eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six, eighteen hundred and seventy-seven, eighteen hundred and seventy-eight, a judgment shall be rendered adverse to the title and right of possession of said city to said lands, because of any invalidity in the original taxes for which the lands were sold, or defects in the subsequent assessment or levy thereof, or sale therefor, not reached or cured by this act, the said city shall not be thereby barred of all rights in said lands, but it shall have a lien thereon for the full amount of all the valid lawful taxes originally assessed upon said lands, together with interest thereon, which shall be superior to and take priority over all claims upon or title to said property, which may be enforced by a sale of said lands in the manner hereinafter provided.

SEC. 4. The said city of East Saginaw, or any grantee thereof, may at any time within two years after such adverse adjudication as to the validity of the sale of any lands for non-payment of the city taxes of any of said years eighteen hundred and seventy-three, eighteen hundred and seventy-four, eighteen hundred and seventy-five, eighteen hundred and seventy-six, eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, file a bill in the circuit court for the county of Saginaw in chancery, to enforce the lien on such lands for the full amount of the valid taxes and assessments assessed thereon during any of said years, together with the interest thereon from the date of original sale, by the foreclosure thereof and sale of said land therefor. All the laws and rules relating to the foreclosure of mortgages in chancery as to the persons necessary or proper to be made parties, the ser-

Irregularities
cured.

City authorized
to take posses-
sion of lands,
etc.

In case of ad-
verse decision
city to have cer-
tain valid liens.

How lien en-
forced.

Right of redemption.

vice of subpoena and the bringing of defendants into court, as to pleadings and evidence, the decree of foreclosure sale thereunder and the sale itself, placing the purchaser in possession by writ of assistance, the right of the complainant to be subrogated to all liens on the premises by him necessarily satisfied in order to save the lien of said taxes, the right of the defendants or any of them to redeem the premises at any time before sale, as to costs and disbursements, including the necessary expenses of an abstract of title, shall so far as applicable prevail in such suit for the enforcement of such lien, and on the trial of such cause all the presumption provided in favor of the regularity and validity of said taxes, by the said original act under which the same were assessed and levied, shall continue and apply.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 559.]

AN ACT to amend act number forty-five of the session laws of eighteen hundred and eighty-two, entitled "An act authorizing the common council of the city of Detroit, with the concurrence of the city council thereof, to make a re-assessment to defray the expenses [expense] of a public improvement on Jefferson avenue, a street in said city, from the east curb line of Beau-bien street to the railroad bridge in said city."

Act amended.

SECTION 1. *The People of the State of Michigan enact*, That act number forty-five of the session laws of eighteen hundred and eighty-two, entitled "An act authorizing the common council of the city of Detroit, with the concurrence of the city council thereof, to make a re-assessment to defray the expense of a public improvement on Jefferson avenue, a street in said city," be amended so as to read as follows, viz:

PREAMBLE.

Preamble.

WHEREAS, The common council of the city of Detroit, on or about the twenty-first day of May, in the year of our Lord one thousand eight hundred and eighty, to provide for a public improvement on Jefferson avenue, a street in said city, passed a resolution in the words and figures following:

Action of common council recited.

Resolved, That Jefferson avenue be and the same is hereby ordered to be graded and paved from the east curb line of Beau-bien street to the railroad bridge, and that said avenue within said limits be paved with cedar block pavement, seventy feet wide, according to the specifications adopted by the common council and the estimates of the city engineer; and it is hereby declared that this action is had under that clause of the city charter authorizing the common council to appropriate two hundred thousand dollars annually, without a petition of a majority of property owners.

WHEREAS, Such proceedings were thereupon and thereafter had by said common council in respect to such improvement, that on or about the thirteenth day of August, in the year of our Lord one thousand eight hundred and eighty, the board of public works of said city, pursuant to the direction of said common council, entered into a contract with said city with Wm. J. McGonegal, for the performance of said work, which contract was approved by the common council; and

WHEREAS, After the letting of said contract such further proceedings were had with respect to said improvement by said common council, that for the defraying the expenses [expense] thereof an assessment was made and the assessment roll made out and returned to said common council, and by them ratified and confirmed on or about the twenty-seventh day of August, in the year of our Lord one thousand eight hundred and eighty; and

WHEREAS, The said William J. McGonegal performed the said contract on his part and received therefor street paving bonds of the city of Detroit, none of which said bonds have been paid; and

WHEREAS, A part only of the taxes assessed upon the real estate mentioned and described in said assessment roll have been paid, and the residue thereof remains unpaid; and

WHEREAS, Said assessment has been declared null and void for the reason, among others, that the board of public works did not advertise the specifications of said improvements, but only referred to the specifications on file in their office in their advertisement [advertisements] for bids for said improvement; and

WHEREAS, The said improvement for which the said assessment was made has been fully completed, and it is just and equitable that the expenses thereof should be paid by the owners of the real estate benefited thereby, and that the same should not be a charge upon all the taxable property of the city; now, therefore,

SECTION 1. *The People of the State of Michigan enact*, That the common council of the city of Detroit, for the purpose of defraying the cost and expense of said above mentioned improvement, are hereby authorized and empowered, and it shall be [the] their duty to determine, declare and set forth all lots, blocks and lands benefited thereby, and to cause to be re-assessed upon the owners and occupants of houses and lands so benefited, such sum as the city engineer of said city may determine and certify to be the actual cost and expenses of said improvement, exclusive of interest, and also exclusive of the cost of paving street intersections, and such re-assessment shall be made substantially in the manner provided for making original assessments of like nature by the existing charter of said city, so far as the same relates to proceedings to be had, subsequent to letting the contract for the performance of work on a public improvement, except as modified by this act.

SEC. 2. Such sums as have heretofore been paid towards said improvement (upon houses and lands included in such re-assessment) shall be applied, under the direction of the common coun-

Con-
trolled
assess-
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Appli-
cations
paid.

cil, to the credit of the persons and property on account of which the same were paid, and in case the credit shall exceed the sum re-assessed against such persons and property as herein provided for, the council shall cause such excess to be refunded to the party who made payment thereof. All the provisions of said charter relative to the making, collection and return of special assessments shall apply to the re-assessment hereby authorized to be made, except as herein otherwise provided.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 560.]

AN ACT to authorize the township of Midland in Midland county to convey certain real estate to the city of Midland.

Township authorized to convey certain real estate.

SECTION 1. *The People of the State of Michigan enact*, That the township of Midland in Midland county is hereby authorized to convey to the city of Midland the cemetery situated within the limits of said city.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 561.]

AN ACT to amend sections one (1) and five (5) of "An act to reorganize the public library of Bay City and to repeal section twelve (12) of act number three hundred and seventy of the session laws of eighteen hundred and sixty-seven, entitled 'An act to organize union school districts of Bay City,' approved March twentieth, eighteen hundred and sixty-seven, approved May third, one thousand eight hundred and seventy-seven, and said section one (1) as amended by act number three hundred and ninety (390) of the session laws of one thousand eight hundred and eighty-one, approved May twenty-fifth, eighteen hundred and eighty-one.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, Section two (2) of act three hundred and twenty-five (325) of the session laws of eighteen hundred and seventy-seven, entitled "An act to reorganize the public library of Bay City and to repeal section twelve of act number three hundred and seventy of the session laws of eighteen hundred and sixty-seven, entitled 'An act to organize union school district of Bay City,' approved March twenty, eighteen hundred and sixty-seven, as amended by act number three hundred and ninety of the session laws of one thousand eight hundred and eighty-one, and section five of the said act number three hundred and twenty-five of the session laws of one thousand eight hundred and seventy-seven, be and the same hereby are amended as follows:

SEC. 2. Said board of trustees shall be a body corporate by the name and style of "The board of trustees of the public library of Bay City," and by that name may sue and be sued, acquire, hold and convey property, and be subject to all the general laws of the State relative to corporations, so far as the same may be applicable; and the books, pamphlets, papers, book-cases and other property now belonging to the public library and school district library of Bay City, and which is now held and controlled by said board of education, be transferred to the care, custody and control of said trustees of the said public library as soon as they shall be appointed, and the title thereto shall be thereafter vested in said board of trustees; and all public money which is now or shall be hereafter appropriated by law to the support of a public library in Bay City shall be expended under the direction of said trustees, and the title to the property therewith purchased shall vest in said trustees. The treasurer of said city shall be treasurer of said board, and no money legally appropriated to the support of said public library shall be paid out by said treasurer except in pursuance of an order of said board of trustees upon a warrant signed by the president of said board of trustees and countersigned by the secretary thereof. The said board of trustees shall not expend any of said money for any purpose other than the building up and maintenance of said public library. The common council of said city shall annually raise by tax on the real and personal property within said city, the sum of two hundred dollars, and said council may annually, at its discretion, raise by tax a further sum, not exceeding three thousand dollars, which money shall be appropriated to the purposes of said library and be payable as hereinbefore provided. Said taxes shall be levied and collected in the same manner as the moneys raised to defray the general expenses of the city.

Name of board of trustees.

Expenditure of money.

How money paid out.

To be expended only for library.

Tax for library purposes.

SEC. 5. The mayor of said city shall be *ex-officio* a member and chairman of said board.

Mayor to be chairman of board.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 562.]

AN ACT to incorporate the public schools of the township of Au Train in the county of Alger.

SECTION 1. *The People of the State of Michigan enact*, That the territory embraced in the township of Au Train, in the county of Alger, be and the same is hereby organized, enacted and declared to be a single school district which shall be a body corporate by the name and style of the "Public schools of the township of Au Train," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all the general laws of the State relative to corporations so far as the same may be applicable, and said district shall have

Township to be a single school district.

Schools to be public and free.

Proviso.

Officers of district.

Proviso as to election.

Notice to persons elected, etc.

Meeting and organization of board of education.

all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be enforced in said district, except such as shall be inconsistent with the provisions of this act, and all schools organized in said district in pursuance of this act under the directions and regulations of said board of education shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty years inclusive, and to such other persons as the board of education shall admit: *Provided*, That whenever the majority of electors in any surveyed township in said township of Au Train shall petition the board of education to establish a school district therein, the said board of education are hereby authorized and directed within three months thereafter to set apart and organize the same as a separate school district.

SEC. 2. The officers of said district shall consist of two trustees, who, together with the clerk and school inspector of said township shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township of Au Train upon the same ticket, and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided*, That at the annual election to be held in said township in the year eighteen hundred and eighty-seven, there shall be elected two trustees for said district by the electors thereof, one of whom shall hold his office for the term of one year, and the other one for the term of two years, and until their successors shall be elected and qualified, and the time for which the person voted for is intended shall be designated on the ballot, and at each election thereafter to be held, one trustee shall be elected in said district who shall hold his office for the term of two years, and until his successor shall be elected and qualified, said trustee to be designated on the ticket or ballot for "Member of board of education."

SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths and file the same with the township clerk. The term of office of the trustee of said district shall commence on the second Monday following the annual township election at which they are elected.

SEC. 4. The members of the board of education shall meet on the third Monday of April of each year, at the office of the township clerk, and organize. The school inspector of the township whose term of office will soonest expire shall be president of the board and shall be entitled to vote in all cases. In the absence of the president at any meeting a majority of the members present may choose one of their own number president *pro tem*. The township clerk of said township of Au Train shall be *ex-officio* clerk of said board of education, and shall be entitled to

vote thereon, and in case of the absence of said clerk the board may choose some suitable person to perform his duties. Said board shall on said third Monday of April in each year elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer: *Provided*, That the person appointed to fill a vacancy in the office of treasurer shall only hold the office for the unexpired portion of the term. The treasurer of the said board shall within five days after his appointment as such treasurer, file with the clerk of said board the constitutional oath of office. He shall also, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act, and honestly accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board, upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

Clerk of board.
Treasurer of board.

Proviso.

Bond of treasurer.

SEC. 5. Said board of education shall have power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board his oath of office within five days after such appointment by the board.

Vacancies in board.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meeting of said board shall be held on the third Monday of April, August, December and March in each year, and no notice of such meeting shall be required, and any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum is present. Special meetings of said board may be called at any time on the request of the president or any two members thereof in writing delivered to the clerk; and the clerk upon receiving such request shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days subsequent to the time of receiving such request by said clerk. All the meetings of said board shall be held at the township clerk's office, unless otherwise ordered by resolution of the board; and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any tax-payer of said district.

Meetings of board.

SEC. 7. The said board shall be the board of school inspection for said district, and shall as such report to the clerk of the county of Alger, and shall have all the powers and perform all the duties now enjoined and performed by the board of school inspectors of the township of Au Train, and the president of said board shall perform all the duties now performed by the chairman of the board of school inspectors of Au Train township. And the board of school inspectors is hereby abolished except as its powers are vested in said board of education.

Powers and duties of board.

Idem.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house site, erect buildings and furnish the same, employ legally qualified teachers, provide books for district library, make by-laws relative to taking the census of all children in said district between the ages of five and twenty years, and to make all necessary reports and transmit the same to the proper officers, as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time schools shall be kept—which shall not be less than three months in each year—relative to the employment of teachers duly and legally qualified, relative to the regulations of schools and the books to be used therein, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of a thorough education of the children thereof. It shall be the duty of said board to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and district library of said district.

Tax for school purposes.

Proviso in case of neglect of electors to vote for tax.

SEC. 9. At each annual township meeting held in said township of Au Train, the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year: *Provided*, That in case the electors at any annual township meeting shall neglect or refuse to determine the amount to be raised as aforesaid, then the board of education shall determine the same at any regular meeting thereof, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of Au Train township, who shall spread the same upon the regular tax-roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting school-houses, no greater sum than five mills on the dollar of all the taxable valuation of the real and personal property in said township shall be levied in any one year.

Proviso.

How school tax to be set forth in roll.

SEC. 10. All taxes assessed within said township of Au Train for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes.

Township treasurer to report to board of education.

SEC. 11. The treasurer of the township of Au Train shall at any time, at the written request of said board of education, report to said clerk the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board.

Board to make annual statement.

SEC. 12. The said board shall, annually, on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding

year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board and shall be publicly read by the president of said board, or in his absence by the clerk thereof to the electors of the said township of Au Train at their annual meeting on the first Monday of April thereafter, at the hour of twelve o'clock noon.

SEC. 13. All school property, both real and personal, within the limits of the township of Au Train, shall, by force of this act, become the property of the public schools of the township of Au Train, hereby organized, and all debts and liabilities of the primary school district of said township of Au Train, as they existed prior to the taking effect of this act, shall become the debts and liabilities of said public schools of the township of Au Train.

School property to vest in public schools of township, etc.

SEC. 14. All money raised or being raised by tax or accrued or accruing to the school districts of said township, as organized under the primary school laws of this State, shall hereby become the money of the public schools of the township of Au Train, and no tax now ordered assessed or levied for school purposes in said township or other proceedings shall be invalidated or affected by means of this act.

Moneys to become property of public schools of township.

SEC. 15. The compensation of the members of the board of education shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk and treasurer of said board shall receive such compensation for their services as the board may determine, not exceeding fifty dollars each per annum.

Compensation of members of board of education.

SEC. 16. When any township district shall be divided into two or more townships, the existing board of trustees shall continue to act for all the townships until the same have been organized and township boards of trustees duly elected and qualified therein. Immediately after such organization, the township boards of each of the townships shall meet in joint session and direct an appraisal of all the school property of the former township to be made. When such appraisal has been made, said township boards shall make an equitable division of the existing assets and liabilities of the school district of such former township, basing their apportionment upon the amount of taxable property in the township divided, as shown by the last assessment roll of such former township. When a township district shall be altered in its limits by annexing a portion of its territory to another township or townships, the township boards of each of the townships interested shall, immediately after such alteration, meet in joint session and make an equitable division of the assets and liabilities of the school district of the township from which the territory has been detached, basing their division upon the amount of taxable property, as the same shall appear upon the last assessment roll of such township.

Division of township districts into two or more townships.

Division of school property, etc.

This act is ordered to take immediate effect.

Approved June 28, 1887.

[No. 563.]

AN ACT to incorporate the public schools of the township of Sanborn, in the county of Alpena.

Township organized into single school districts.

Subject to general law.

Schools to be public and free.

Officers of district.

How elected.

Proviso.

Notification and oath of office.

Proviso.

SECTION 1. *The People of the State of Michigan enact, That* the territory embraced within the township of Sanborn, in the county of Alpena, be and the same is hereby organized, erected and declared to be a single school district, which shall be a body corporate by the name and style of "The public schools of the township of Sanborn," and by that name may sue and be sued for all school debts contracted by the board of education, and shall be subject to all general laws of this State relative to corporations, so far as the same may be applicable; and said district shall have all the powers and privileges conferred upon union school districts by the laws of this State, all the general provisions of which relating to common or primary schools shall apply and be in force in said district, except such as shall be inconsistent with the provisions of this act; and all schools organized in said district in pursuance of this act, under the direction and regulations of said board of education, shall be public and free to all persons actual residents within the limits thereof, between the ages of five and twenty-five inclusive, and to such other persons as the board of education shall admit.

SEC. 2. The officers of said district shall consist of four trustees, who, together with the supervisor and clerk of said township, shall constitute the board of education of said district. Said trustees shall be elected by ballot at the annual township meeting of the township of Sanborn, upon the same ticket and canvassed in the same manner as township officers required by law to be elected by ballot: *Provided, That* at the annual election to be held in said township in the year eighteen hundred eighty-seven, there shall be elected four trustees for said district by the electors thereof, two of whom shall hold their office for the term of one year and the other two for the term of two years and until their successors shall be elected and qualified; and the time for which the person voted for is intended shall be designated on the ballot; and at each election thereafter to be held two trustees shall be elected in said district, who shall hold their offices for the term of two years and until their successors shall be elected and qualified, said trustees to be designated on the ticket or ballot "For member of board of education."

SEC. 3. Within five days after the annual election the township clerk shall notify in writing the persons elected trustees under this act of their election, and within five days thereafter said trustees so elected shall take and subscribe the oath of office prescribed by the constitution of this State, before any officer authorized to administer oaths, and file the same with the township clerk: *Provided, That* in case the township clerk shall fail to give the notice required by this section, then the persons so elected may, at any time before the third Monday of April then

ensuing, take and subscribe said oath of office and file the same as hereinbefore prescribed. The term of office of the trustees of said district shall commence on the third Monday of April following the annual township election at which they are elected.

SEC. 4. The said trustees shall meet on the third Monday of April in each year at the office of the township clerk and organize. The supervisor of the township shall be president of the board, but shall not be entitled to vote, except in case of a tie. In the absence of the president at any meeting, a majority of the members present may choose one of their own number president *pro tem*. The township clerk of said township of Sanborn shall be *ex-officio* clerk of said board of education, and shall perform such duties as the board may reasonably require, but shall not be entitled to vote therein, and in case of the absence of said clerk the board may choose some suitable person to perform his duties. Said board shall, on said third Monday of April in each year, elect from their own number a treasurer, who shall hold his office for one year and until his successor is elected and qualified, and may at any time fill a vacancy in the office of treasurer from whatsoever cause such vacancy may occur: *Provided*, That the person appointed to fill vacancy in the office of treasurer shall only hold the office for the unexpired portion of the term. The treasurer of said board shall, within five days after his appointment as such treasurer, file with the clerk of said board the oath of office, as prescribed in section three of this act. He shall also, before entering upon the duties of his office, give a bond to said district in such sum and with such sureties as said board shall determine and approve, conditioned for the faithful performance of his duties under this act and honest accounting for all moneys coming into his hands belonging to said district. The treasurer of said board shall have the keeping of all school and library moneys, and shall not pay out the same without the authority of the board upon warrants or orders drawn upon him and signed by the clerk and countersigned by the president.

Organization of
board of education.

Provido.

Oath and bond
of treasurer of
board.

SEC. 5. Said board of education shall have full power to fill vacancies that may occur in the office of trustee until the next annual election, and such trustee shall file with the clerk of said board the oath of office required by this act within five days after such election by the board.

Vacancies in
office of trustee.

SEC. 6. The majority of the members of said board shall constitute a quorum, and the regular meetings of said board shall be held on the third Monday of April, August, December and March in each year, and no notice of such meetings of said board shall be required, and the president and clerk or any two members of said board shall be sufficient to adjourn any meeting from time to time until a quorum be present. Special meetings of said board may be called at any time on request of the president of said board or two members thereof, in writing delivered to the clerk; and the clerk, upon receiving such request, shall at once notify each member of said board, if within said district, of the time of holding such meeting, which shall be at least three days

Meetings of
board.

subsequent to the time of receiving such request by said clerk. All meetings of said board shall be held at the township clerk's office, unless otherwise ordered by resolution of the board, and all records and papers of said district shall be kept in the custody of said clerk and shall be open to the inspection of any taxpayer of said district.

Board to be the board of school inspectors of said township.

SEC. 7. The said board shall be the board of school inspectors for said district and shall as such report to the clerk of the county of Alpena, and the office of school inspector is hereby abolished except as vested in said board. The said board shall not contract with or employ any person to teach in any of the public schools of said district who has not a certificate in force from proper legal authority, and granted in pursuance of the general and public school laws of the State.

Power and duty of board.

SEC. 8. The board of education of said district shall have power and authority to designate and purchase school-house sites, erect buildings and furnish the same, employ teachers qualified as provided in section seven of this act; provide books for district library; to make by-laws relative to taking the census of all children in said district between the ages of five and twenty years; to make all necessary reports and transmit the same to the proper officers as designated by law, so that the district may be entitled to its proportion of the primary school fund; and said board shall have authority to make all needful regulations and by-laws relative to visitation of schools, relative to the length of time schools shall be kept, which shall not be less than three months in each year; relative to the employment of teachers duly qualified as in section seven of this act; relative to the regulations of schools and the books to be used therein, and generally to do all things needful and desirable for the maintenance, prosperity and success of the schools of said district, and the promotion of the thorough education of the children thereof; relative to anything whatever that may advance the interest of education, the good government and prosperity of the schools of said district, and the welfare of the public concerning the same. It shall be the duty of said board to apply for and receive from the county treasurer or other officer holding the same, all moneys appropriated for primary schools and the district library of said district, and the board may adopt such by-laws and rules for their own procedure as they may deem necessary.

Determination of amount of money to be raised for school purposes.

SEC. 9. At each annual township meeting held in said township of Sanborn the qualified electors present shall determine the amount of money to be raised by tax for all school purposes for the ensuing year, which amount the township clerk shall, within sixty days thereafter, certify to the supervisor of the township of Sanborn, who shall spread the same upon the regular tax-roll of said township, and the same shall be levied, collected and returned in the same manner as other township taxes: *Provided*, That for purchasing school lots and for erecting school-houses no greater sum than five mills on the dollar of all the taxable valua-

Proviso.

tion of the real and personal property in said district, shall be levied in any one year.

SEC. 10. All taxes assessed within said township of Sanborn for school purposes shall be set forth in the assessment roll of said township in a separate column, apart and distinct from all other township taxes. Taxes for school purposes.

SEC. 11. The treasurer of the township of Sanborn shall, at any time, at the written request of said board of education, report to said clerk the amount of school money in his hands, and shall, on the order of the president of said board of education, pay to the treasurer of said board all such money, taking his receipt therefor, and also a duplicate receipt which he shall file with the clerk of said board. Township treasurer to report to board and pay over school moneys.

SEC. 12. The said board shall annually, on the third Monday of March in each year, make a detailed statement of the number of schools in said district, the number of teachers employed, and the number of pupils instructed therein during the preceding year, and the expenditures of said board for all purposes, and also the resources and liabilities of said district, which report or statement shall be entered at length in the record of said board, and shall be publicly read by the president of said board, or in his absence by the clerk thereof, to the electors of said township of Sanborn, at their annual meeting on the first Monday in April hereafter, at the hour of twelve o'clock noon. Board to make annual statement.

SEC. 13. All school property, both real and personal, within the limits of the township of Sanborn shall, by force of this act, become the property of "the public schools of the township of Sanborn" hereby organized, and all debts and liabilities of the primary school districts of said township of Sanborn, as they existed prior to the taking effect of this act, shall become the debts and liabilities of said "public schools of the township of Sanborn" to the extent as they existed and were valid against such primary school districts, and said district hereby organized shall be subject to be sued in the same manner, and all other proper and suitable proceedings against it may be taken as though it had been the original debtor. School property to become property of public schools of township, etc.

SEC. 14. All moneys raised or being raised by tax, accrued or accruing to the school districts of said townships as organized under the primary school laws of this State, shall hereby become the money of "the public schools of the township of Sanborn," and no tax now ordered assessed or levied for school purposes in said township, or other proceeding, shall be invalidated or affected by means of this act. Moneys, etc., to become property of public schools of township, etc.

SEC. 15. The compensation of the trustees of said district and of the president of said board shall be one dollar and fifty cents for each day's actual service rendered for said district, and the clerk of said board shall receive such compensation for his services as the board may determine, not exceeding one hundred dollars per annum. Compensation of board.

[This act is ordered to take immediate effect.]

Approved June 27, 1887.

[No. 564.]

AN ACT to amend section one of chapter two, and sections one, two, three, four, five and twelve of chapter three of act number three hundred and twenty-six of local acts of one thousand eight hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, one thousand eight hundred and eighty-three, relating to registration and elections in said city.

Sections
amended

SECTION 1. *The People of the State of Michigan enact*, That section one of chapter two, and sections one, two, three, four, five and twelve of chapter three of act number three hundred and twenty-six, local acts of one thousand eight hundred and eighty-three, entitled "An act to provide a charter for the city of Detroit, and to repeal all acts and parts of acts in conflict therewith," approved June seven, one thousand eight hundred and eighty-three, be and they are hereby amended so as to read as follows:

CHAPTER II.

REGISTRATION AND ELECTION.

Of whom city
board of registra-
tion com-
posed.

SECTION 1. The city board of registration of the city of Detroit shall be composed of the chairmen of the several district boards of inspectors of election, and two other members of each of said boards designated by the members thereof at their first regular meeting, sitting as a board of registration.

CHAPTER III.

CITY ELECTIONS.

Annual election.

SECTION 1. The annual city election shall be held on the first Tuesday after the first Monday of November in each year; and on the years in which a general election is held, the city election shall be held and conducted in connection with such general election, and by the same officers. The places of holding the elections in the several wards and election districts in the city shall be designated by an order of the board of aldermen at least twenty days previous to any election to be held. It shall be the duty of the city clerk, within three days after the date of any such order, to give notice of such election in at least two daily newspapers published in said city, which notice shall be continued daily (except Sundays) in such papers to and including the day of election. Such notice shall specify the officers to be chosen, the day on which the elections [election] is to be held, the time for opening and closing the polls, and the place in each election district where

Notice of.

the polls are to be held. The provisions of this section shall also govern the matter of the April elections to be held in each alternate year, and in special elections. The common council shall provide a suitable place in any election district, to be held and controlled by the city, for holding the elections in such district; but no election shall be held, nor shall any election be appointed to be held in any saloon or bar-room, or in any room or place contiguous with or adjoining thereto, and should any place be designated or appointed for holding an election in violation hereof, or become subject to such interdiction after having been so designated, the inspectors of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place as near thereto as may be, not subject to like interdiction. Said inspectors shall meet at the place first designated at the time for opening the poll, and after any vacancies in their number shall have been filled, adjourn to the place so chosen by them, and at the time of said adjournment give public notice to the electors present by proclamation of such change, and of the place where such election shall be held, and by posting at such place a conspicuous notice of such change, and all expense attending such change shall be certified by said inspectors to the common council, and shall be allowed and paid accordingly. Any person or persons introducing in any way upon election day into the place where an election is being held, any spirituous or malt liquors, and any inspector or clerk of election drinking any such liquors in such place, or being intoxicated therein upon election day, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding sixty days, or by both such fine and imprisonment in the discretion of the court.

Places of holding.

Introduction or use of liquors in places where elections are being held.

SEC. 2. There shall be elected in and for each election district in the city of Detroit five qualified electors of such district, at the times and in the manner hereinafter provided, who, with one of the aldermen of such ward, or such person as the common council may designate, as hereinafter provided, shall constitute a board of inspectors of election for such election district. Such inspectors shall be elected by ballot, as hereinafter provided, at the annual election in November of each year. Upon being so elected they shall qualify by filing with the city clerk the constitutional oath of office, and shall hold their said office for one year and until their successors are elected and qualified, and any vacancy in their number, caused by failure or inability to elect by ballot, as hereinafter provided, or by removal or death, may be filled for the remainder of said term by the electors present by *viva voce* vote, at the opening of the polls at any general or special election, and any vacancy caused by sickness or absence may in like manner be filled for the time being upon the opening of the polls at any general or special election.

Inspectors of election.

Vacancies in board.

SEC. 3. In all elections for inspectors to be elected at the

Manner of
electing in-
spectors.

annual election as above provided, no ballot shall contain nor shall any elector vote for more than three candidates, and from the whole number of votes cast the five inspectors receiving the highest number shall be declared elected.

Chairman of
board of inspec-
tors and regis-
tration.

SEC. 4. The common council shall, at least two weeks previous to each general election, assign and designate the aldermen from each ward to election districts therein, and shall at the same time appoint a suitable person, who shall be a qualified elector in the district to each of the other districts in said city, and the alderman and person so appointed shall respectively be the chairman of the board of inspectors and of registration in their respective districts; and such chairman, with the five inspectors elected under the provisions of this act, shall be and constitute the board of inspectors of such election district and *ex-officio* the board of registration therein, until their successors are elected and qualified as herein provided. Each board of inspectors shall have power to appoint two or more competent clerks of election, who shall take the same oath as the inspectors, which oath either of the inspectors may administer. Any vacancy occurring in the chairmanship of any district board by death or removal from such district, may be filled by the common council; or in case of neglect or refusal, or in case of a vacancy from any other cause, the same may be filled by the electors present by a *viva voce* vote at the opening of the polls at any general or special election. In all cases of filling a vacancy or vacancies by *viva voce* vote of the electors under this act, upon the chairman of the board of inspectors, or in case of his absence, any member of said board designated by the inspectors present, declaring that the time for opening the polls has arrived, the qualified electors present may proceed to nominate and elect a suitable person or persons to fill such vacancy or vacancies, and the persons so chosen shall qualify and take their seats, when the polls shall be formally declared open.

Clerks of elec-
tion.

Vacancy in
office of chair-
man of board.

Special regis-
ters.

Registration of
qualified elec-
tors on election
day.

SEC. 5. On the day of election, after the full number provided for in said board shall have been elected as above, and before opening the polls, said board shall designate three of their number, with one or more clerks, to act as special registers in said district, as herein provided. Upon being so designated, said members shall, at some proper and convenient place in the same room, assemble, and in a book specially provided for such purpose, proceed to register any qualified voter of such district upon the personal application of such person, whom they shall require to state, in writing, that he was absent from the city of Detroit during the sessions of the board of registration for said year, where he was during the time of such session, and the business in which he was engaged, or that he was sick and unable to attend such session, which statement shall be subscribed and sworn to by such applicant before one of said inspectors, each of whom shall have authority to administer such oath. Such statement shall be made and kept in a book provided specially for such purpose, which shall be deposited with the city clerk. If any

person shall willfully make and swear to a false statement, in whole or in part, for the purpose of being registered under this section, he shall be deemed guilty of perjury and be punished accordingly. Said board of registers shall for the purposes of this section remain in session until twelve o'clock, noon, of said day, but no longer. Any person registered in accordance with the provisions of this section shall be entitled to vote at such election. No person shall be allowed or permitted to vote who has not been duly registered, either under the provisions of this section, or the general laws relating to registration.

False swearing
perjury.

Session of
board.

Who entitled to
vote.

SEC. 12. At two o'clock in the afternoon on each election day said board of inspectors shall designate three of their number, with one or more clerks appointed by said board for such purpose, to open the ballot box or boxes into which the ballots for officers shall, up to that time, have been deposited, and who shall immediately proceed to canvass the votes therein, and upon closing the polls, all of said inspectors shall immediately proceed, before recess or adjournment, to complete the canvass of all votes cast, publicly announce the result, and certify full and true returns thereof in duplicate under their hands, and return the ballots to the boxes and carefully fasten and seal the same. One copy of such returns shall be placed in an envelope, carefully sealed, and the names of all the inspectors present written across the back of the envelope in such manner that the same cannot be opened without breaking such seal, and otherwise defacing such envelope and signatures, and such envelope containing the returns shall be directed to the city clerk, and shall have the name or number of the election district thereon, and shall then, together with the poll-lists and keys of the ballot boxes, by any two members of the board designated for that purpose, be taken directly from such polling place to the office of the city clerk, who shall keep his office open until the returns from all the election districts shall have been received, and there delivered by such inspectors to said clerk or one of his deputies, who shall observe whether such envelope has been tampered with, and such clerk or his deputy, upon receiving the same, shall endorse thereon over his official signature the names of the inspectors from whom he received such returns, and the time he received the same, and whether the same are in apparent good order, and shall thereupon deposit the same in a safe and secure place in his office, where such returns, poll-lists and keys shall remain until the meeting of the board of canvassers, when such returns, unopened, shall be delivered to said board. The other copy or duplicate of such returns shall be placed in an envelope, sealed and signed in like manner, and addressed to the county clerk, and delivered to two other inspectors designated for such purpose, who shall proceed directly, but not in company with the inspectors carrying the returns to the city clerk, to the office of the county clerk, who shall keep his office open until the returns from all the election districts shall have been received and there delivered by such inspectors to said clerk or one of his deputies, who shall

Canvass of
ballots and
return.

Copy of return
to be delivered
to city clerk.

Endorsement
on returns by
city clerk.

Copy of return
to be delivered
to county clerk.

Endorsement
on returns by
county clerk.

Certain acts of
inspectors a
misdemeanor.

Disposition of
ballots and
boxes at the
close of elec-
tion.

How boxes may
be procured for
re-count of
ballots.

Appointment of
first inspectors
of election.

Provided.

observe whether such envelope has been tampered with, and such clerk or his deputy, upon receiving the same, shall endorse thereon, over his official signature, the names of the inspectors from whom he received such returns, and the time he received the same, and whether the same are in apparent good order, and shall thereupon deposit the same in a safe and secure place in his office, where such returns shall remain unopened until the meeting of the board of canvassers, when such returns shall be delivered to said board. Any one or more electors present at the polling place in any election district shall have the right to accompany the inspectors designated to so deliver such returns from the polling place to the city or county clerk's office. And should said inspectors or either of them prevent or attempt to prevent such electors from so accompanying them, or evade or attempt to evade such electors, or stop at any place on the way from such polling place to said city or county clerk's office, without apparent necessity therefor, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished accordingly. Said inspectors upon returning the ballots to the boxes, and fastening and sealing the same, shall thereupon deliver the same to a member of the Metropolitan police, who shall be sent to the polling place by the superintendent of the police force for the purpose of receiving the same, who shall forthwith convey said ballot boxes to police headquarters and there deliver them to the said superintendent or some member of said force specially designated by said superintendent to receive the same, and the said boxes when so received shall be deposited by said superintendent or person so receiving the same in some safe place and shall remain in the custody of said superintendent for six months thereafter, when the ballots therein may be taken out and destroyed. Whenever within such period any court of competent jurisdiction, board of canvassers or other competent authority, shall require such ballot boxes for the purpose of having or making a re-count of the ballots therein contained for any one or more candidates, the said superintendent shall, upon proper demand or request in writing, send such box or boxes as may be required by one or more of the Metropolitan police to the court or board so entitled thereto. But such box or boxes shall not be taken from the custody of such member or members of the police force except to open the same and count the ballots therein in his or their presence, and upon such count being made the ballots shall be returned to the box or boxes from which they were taken, duly locked and sealed, and said boxes then be conveyed back by the members in charge to such superintendent. It shall be the duty of the common council of the city of Detroit, during the month of September, one thousand eight hundred and eighty-seven, to appoint three qualified electors in each election district in said city, one of whom shall be an alderman, so far as may be, who shall constitute the board of registration, and also act as inspectors of election in each election district, until their successors are elected and qualify under this act: *Provided, however,* That at the annual election to be held in November,

eighteen hundred and eighty-seven, at the opening of the polls, the electors present shall, in each election district by *viva voce* vote, choose three qualified electors of such district, who with said members of the board of registration shall constitute and be the board of inspectors of election in and for such district at said election, and all the provisions of this act relative to three of said inspectors acting as special registrars and to the canvassing and returns to be made, shall apply to and govern said board of inspectors so appointed and elected under this section.

Approved June 28, 1887.

[No. 565.]

AN ACT to authorize the township of Wilson in the county of Alpena to construct and maintain a toll road through said township, and to borrow money and issue its bonds for the construction of the same.

SECTION 1. *The People of the State of Michigan enact*, That the township of Wilson in the county of Alpena, is hereby authorized and empowered to construct and maintain a road-bed over that portion of the line of the Alpena and Montmorency State road lying within the boundaries of said township, as now organized, of stone, plank or cedar timber, and to exact tolls from persons traveling thereon.

Township
authorized to
construct cer-
tain road bed.

SEC. 2. Said road shall be so constructed as to have at least sixteen feet width of good, smooth, permanent road, eight feet of which at least shall be made of permanent plank or cedar timber, not less than four inches thick, and of such grade as not to exceed an ascent or descent on any part of said road of more than one foot in ten, and which roadway shall be constructed so as to permit wagons, carriages and other vehicles [easily] to pass each other.

Width of bed
and grade.

SEC. 3. The township board and highway commissioner of said township shall constitute a board of commissioners, who shall have the management and care of the construction and maintenance of said road and the control of the business thereof, and who shall have such further powers in relation thereto as are now conferred by law on boards of directors of plank road companies by the general laws of this State.

Board of com-
missioners to
construct, etc.

SEC. 4. Whenever said township shall have completed said road, or any three consecutive miles thereof, the board of commissioners of said road may erect toll-gates and exact tolls from persons traveling on said road for so much as may be completed, at a rate not exceeding two (2) cents a mile for any vehicle or carriage drawn by two animals, and one (1) cent a mile for any sled or sleigh so drawn, and if drawn by more than two animals, three-quarters of a cent per mile for each additional animal; for every vehicle, sled, sleigh or carriage drawn by one animal, one cent per mile; for every score of sheep or swine, one-half cent per mile; for every score of neat cattle, two cents per mile; and for

Toll gates
and tolls.

	every horse or rider or led horse, one cent a mile. Such toll-gates, so to be erected by said commissioners, may be as many in number and located at such points as said commissioners may deem necessary: <i>Provided</i> , Any person going to and returning from funerals, or passing to and from public worship on the Sabbath, shall be exempt from the payment of any tolls for such use of said road: <i>And provided further</i> , Farmers going to and from their work on their farms, shall also be exempt from payment of tolls.
Proviso,	
Further proviso.	
Penalty for unlawfully passing toll gate.	SEC. 5. Any person who shall forcibly or fraudulently pass any toll-gate erected on said road in pursuance of this act, without having paid the legal toll, any person who to avoid the payment of the legal toll shall, with his vehicle or animal subject to toll, turn out of such road or pass any gate thereon or any ground adjacent thereto and enter again on said road, shall for each offense forfeit a sum not exceeding ten dollars, to be sued for and recovered by said commissioners for the use and benefit of said township.
Road to be kept in repair, etc.	SEC. 6. It shall be the duty of such commissioners at all times to keep said road in good repair, after the erection of said toll-gates and the exaction of toll thereat, and every failure so to do after notice to one of said commissioners, shall entitle any person injured or aggrieved by such neglect, to recover the sum of ten dollars in an action of debt against said commissioners.
Power of toll gatherer.	SEC. 7. Each toll gatherer of said road may detain and prevent from passing through his gate any person or persons riding, leading or driving one or more animals or vehicles, subject to toll, until such person or persons shall pay the lawful toll authorized by law to be demanded at such gate.
Transaction of business by board.	SEC. 8. A majority of said board of commissioners shall be a board for the transaction of business, and the acts of the majority shall be deemed to be the acts of the board.
Township authorized to borrow money.	SEC. 9. Said township of Wilson is hereby authorized and empowered to borrow a sum of money, not exceeding twenty thousand dollars, on the faith and credit of said township, upon the best terms that can be made, and to issue the bonds of said township to an amount not exceeding that sum, pledging its faith and credit for the payment of the principal and interest, and such bonds may be negotiated for the purposes herein stated, and shall be denominated "Wilson toll road bonds," and shall be regularly dated and numbered in the order of their issue, and shall be for sums not less than five hundred dollars each; shall bear interest not exceeding seven per cent per annum, and shall be payable in not exceeding twenty years from date. The township clerk shall keep an accurate record of said bonds, the number, date and amount of each bond, its rate of interest and when and where the same is payable, and the name of the person to whom said bond was issued. The proceeds of said bonds shall be paid to the township treasurer, who shall give, in addition to his official bond, a special bond in the penal sum of twenty-five thousand dollars, conditioned for the proper custody and disposition of such proceeds. Such proceeds shall be applied in constructing and maintaining said road,
Bonds, how designated, etc.	

and all expenditure made in that behalf shall be on the order of said board of commissioners.

SEC. 10. All moneys received from tolls collected from persons, animals or vehicles passing over said road, shall be paid monthly to the township treasurer, and a statement of the same shall be delivered at the same time to the clerk of said township, and such money shall be applied as follows, viz.:

Money from tolls, how disposed of.

First, To the necessary expenses [expense] of maintaining said road;

Second, To the payment of interest on said bonds;

Third, To provide a sinking fund to provide or apply toward the payment of said bonds.

SEC. 11. The construction of said road shall not be commenced, and said bonds shall not be issued, until the question of borrowing said money and the issuing of said bonds [shall have been submitted to a vote of the electors of said township, and] shall have been determined by a majority of the qualified electors of said township voting at the annual township meeting, or at a special township meeting called and held in accordance with law, in favor of such loan.

Question of issue of bonds, etc., to be submitted to vote of electors.

SEC. 12. Whenever ten or more freeholders of said township shall make request in writing to the township board, and present the same to the clerk thereof, therein specifying the kind of road proposed to be constructed, and the amount of bonds proposed to be issued therefor, and the terms of such bonds, if any to be issued, it shall be the duty of such clerk to call a meeting of the electors of such township by posting printed notices thereof in the same places as required by law for annual township meetings, and also to post with each of such notices a copy of the request upon which the meeting was called, in which the day and month for such meeting shall be named and the hour of ten o'clock in the forenoon. On the day fixed for such [said] meeting the polls shall be opened at said hour, and held and conducted as annual township meetings until the hour of four o'clock in the afternoon, and the same officers shall act in receiving, canvassing and certifying the votes given, and the result of the balloting at such meeting shall be certified and recorded as is by law required in reference to results of annual township meetings, so far as applicable. The question submitted to said meeting shall be whether such loan be effected, and those who vote in the affirmative shall vote a ballot on which shall be written or printed the words "For the loan," and those who vote in the negative shall vote a ballot on which shall be written or printed the words "Against the loan." If said vote is taken at an annual township meeting, the same requisites required in this section for a special township meeting shall be deemed necessary to a valid determination of the question submitted.

How meeting of electors called.

How meeting conducted.

Question to be submitted.

SEC. 13. Where it shall be determined by a majority of the qualified electors of said township at such meeting to effect such loan, it shall be the duty of the supervisor and clerk of the township to execute such bonds to borrow money, according as shall have been stated in the request for such meeting, and it shall be the

When bonds may be issued, etc.

duty of the proper officers to issue such bonds according to and in pursuance of the terms specified and contemplated by such written request and vote, and not otherwise.

Tax for payment of certain portion of bonds and interest.

SEC. 14. The township board of said township shall have power, and it shall be their duty to raise by tax such sum or sums as shall be necessary, over and above moneys in the sinking fund hereinbefore provided for, to pay the principal or interest of any bonds issued or created under the provisions of this act, as often as the same may become due.

[This act is ordered to take immediate effect.]

Approved June 27, 1887.

NOTE.—The words and sentences enclosed in brackets in the foregoing acts were in the bills as passed by the Legislature, but not in the enrolled copies as approved by the Governor.

CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, } ss.
Secretary's Office.

I, Gilbert R. Osmun, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State, for the present year, was June twenty-ninth, one thousand eight hundred and eighty-seven.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan, at Lansing, this first day of July in the year of our Lord one thousand eight hundred and eighty-seven.

GILBERT R. OSMUN,
Secretary of State.

APPENDIX

CONTAINING

CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS

RELATIVE TO THE

ERECTION OF NEW TOWNSHIPS.

APPENDIX.

ALGER COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Rock River.

WHEREAS, an application has been duly made to the board of supervisors of the county of Alger by John H. Johnson, Albert Johnson, Axel Johnson, N. G. Nilson, Andrew Storm, Charles Johnston, John Rudquist, Jonas Anderson, A. P. Peterson, C. H. Schaffer, W. J. Palmer, Mitchell Berreé, E. Parrett, Charles Bovan, Fabian Lezzotte, D. La Plant, and Robert Dilger, all of whom are freeholders and reside in the township to be affected thereby, for the erection and organization of a new township of the territory hereinafter described, and the said board having been furnished with a map of the township to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by over twelve freeholders of the township to be thereby affected, has been duly posted up, and published in the manner and during the time required by law; and it also appearing to said board, upon the consideration thereof, that the said application ought to be granted: Therefore it is ordered and determined by the said board that the territory described as follows, to wit: Towns forty-four (44), forty-five (45), forty-six (46), forty-seven (47), and forty-eight (48) north, of range twenty-one (21) west, be and the same is hereby erected and organized into a new township to be known as the township of Rock River; that the first annual meeting shall be held at the school-house in school district No. 3, on Monday the 4th day of April A. D. 1887, and that Charles Johnston, William Wyckoff and John F. Oliver, three electors of such new township, are hereby designated as the persons whose duty it shall be to preside at said meeting and appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of any township meeting may exercise under the laws of this State, and that the annual meeting of the township of Onota shall be held at the store of Charles H. Schaffer at Onota, on Monday, the 4th day of April, A. D. 1887, and that Charles H. Schaffer, Wylie J. Palmer,

Rock River organized.

and Robert Dilger, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and close the polls, and exercise the same powers as inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elected voting thereon, to wit:

Yeas—Chas. Johnston, Godfrey Lalliberty and Michael Bruzel
—3. Nays—Edgar C. Cox—1.

STATE OF MICHIGAN, } ss.
County of Alger, }

I, August Boogren, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board on the twenty-first day of February, eighteen hundred and eighty-seven, with the original now of record in my office and that it is a true copy and transcript therefrom and from the whole thereof.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court for said county at

[L. S] Au Train, this first day of March, A. D. eighteen hundred and eighty-seven.

A. BOOGREN,
County Clerk.

ALPENA COUNTY.

In the matter of the application of certain freeholders for the organization of a new township to be known as the township of Sanborn.

To the Honorable the Chairman and Members of the Board of Supervisors of Alpena County, Michigan:

GENTLEMEN.—Your committee on towns and counties, to whom was referred the petition of Wm. H. Sanborn, Ezekiel Gerow and twenty-four others asking for the organization of a new township to be called the township of Sanborn, and to consist of town number twenty-nine (29) north, of ranges eight (8) and nine (9) east, report that your committee made a thorough investigation of the matter and find that the proper notices have been signed by the required number of residents of the towns to be affected by the organization, and properly posted up as appears by affidavits on file with petition hereinbefore mentioned and published according to law; and your committee further find that no remonstrance has been filed against the proposed organization of said township of Sanborn: Therefore we recommend that the prayer of the petitioners be granted, and that said territory be

detached from the township of Ossineke and erected into a new township to be known as the township of Sanborn, as prayed for in the petition of Wm. H. Sanborn, Ezekiel Gerow and others. All of which is respectfully submitted.

B. R. YOUNG,
D. R. MARTINDALE,
CHARLES H. WISE,

Committee.

Dated February 15, A. D. 1887.

Moved by supervisor Sanborn that the report of the committee on towns and counties be accepted and recommendations concurred in.

Carried by yeas and nays as follows:

Yeas—Supervisors Fitzpatrick, Gerow, Martindale, McDonald, Soper, Sanborn, Wise, Young and the Chairman.

Nays—Supervisor Turnbull.

At a meeting of the board of supervisors of the county of Alpena, State of Michigan, continued and held at the court-house in the office of the county clerk, in the city and county of Alpena, State of Michigan, on Tuesday, the 15th day of February, A. D. 1887, the following report and resolution was adopted:

By Supervisor Sanborn:

WHEREAS, It appearing to the board that application has been made and that notice thereof has been signed, posted up and published as in manner required by law, and having duly considered the matter of said application; therefore be it

Resolved, That this board order and enact that the territory described in said application, to wit: Township number twenty-nine (29) north, of range eight (8) east, and township number twenty-nine (29) north, of range nine (9) east, being in the county of Alpena, be and the same is hereby erected into a new township, to be called and known by the name of the township of Sanborn, and that the first annual meeting of said township of Sanborn shall be held at the school-house in the village of Ossineke in said township of Sanborn, on the first Monday of April in the year of our Lord one thousand eight hundred and eighty-seven, at the usual hour for holding township meetings, and Eri H. Toland, Louis Derosie senior, and James L. Sanborn be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls and exercise the same powers as the inspectors of election at any township meeting are by law authorized to do;

Resolved, That it is further ordered and enacted by this board that the annual township meeting for the township of Ossineke, from which the aforesaid new township has been detached, shall be held at the school-house in school district number two of said township of Ossineke, on the first Monday of April, A. D. 1887, and that Ezekiel Gerow, Martin Benjamin and George Stovel be the persons whose duty it shall be to preside at such meeting, appoint

Sanborn
organized.

a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting are authorized by law to do.

Carried by yeas and nays as follows:

Yeas—Supervisors Fitzpatrick, Gerow, Martindale, McDonald, Soper, Sanborn, Wise, Young and the Chairman.

Nays—Supervisor Turnbull.

STATE OF MICHIGAN, }
County of Alpena. } ss.

I, Mich'l O'Brien, clerk of the county of Alpena, and *ex-officio* secretary of the board of supervisors thereof, do hereby certify that the foregoing is a true and correct copy compared by me, of a resolution passed and adopted by the board of supervisors of Alpena county on the fifteenth day of February, A. D. 1887, and the whole of such resolution.

In testimony whereof I have hereunto set my hand and affixed the seal of the circuit court of said county, at
[L. s.] the city of Alpena, this 17th day of February, A. D. 1887.

MICH'L O'BRIEN,
County Clerk.

ARENAC COUNTY.

ORGANIZATION OF THE TOWNSHIP OF ADAMS.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Adams. Dated 26th day of March, 1886.

Resolved, Whereas an application has been duly made to the board of supervisors of the county of Arenac by James Adams, Michael Doyle, James Gill, Ward Womsley, Charles Lapoint, Albert Reagh, George Straier, Adam Lucas, Jacob Klein, Lui Klein, Gottlob Klenk, Emanuel Klenk, Christ Schelter, David Kerr, Job Estes, A. M. Fraser, John Bullock, Thomas Inglis, Frank E. Abbott, Amos W. Jackson, Thomas Carlyle, William Kolb, Richard Cameron, L. Marsh, Leroy Barnum, George Simpson, Louis Tovatt, P. W. Vanantwerp, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be affected, has been

duly posted up and published in manner and during the time required by law, and it also appearing to said board upon consideration thereof that said application ought to be granted; thereupon it is ordered and determined by said board that the territory described as follows, to wit: Entire township nineteen (19) north, of range three (3) east, be and the same is hereby erected and organized into a new township to be called and known as the township of Adams, that the first annual township meeting therein shall be held at the house of Adam Lucas on Monday the 5th day of April next. James Adams, Albert Reagh and Lui Klein, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of the State.

Adams
organised.

On the adoption, the yeas and nays were called, to wit: Supervisors E. Bradley, W. H. Bradley, Bullock, Chamberlain, Davis, Grimore, McDonell, O'Brien and Deford; all supervisors elect voting yea.

Resolution adopted.

NELSON DEFORD,
Chairman.

FLETCHER E. CARSCALLEN, *Clerk.*

STATE OF MICHIGAN, } ss.
County of Arenac.

I, Fletcher E. Carscallen, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county on the 26th day of March, A. D. 1886, upon application of James Adams and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record. And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name and affixed the seal of the circuit court for said county
[L.S.] this 29th day of March, A. D. 1886.

FLETCHER E. CARSCALLEN,
County Clerk.

In the matter of the application of certain freeholders of the townships of Arenac and Au Gres for detaching the following described territory from the township of Arenac, and attaching the same to the township of Au Gres.

The following proceedings were had by and before the board of supervisors of Arenac county at the regular session of said board, held at the county clerk's office on the 8th of January, A. D. 1886.

By Supervisor Chamberlain :

WHEREAS, Jessie Umstead, Elijah Moore, J. J. Moore, Thomas Embury, William Huntley, Newton Weaver, J. H. W. Moore, Wm. Parker, George W. Brown, M. Parker, George Robinson, Donald McLain, Jas. H. Harris Munroe, John Russell, Wm. T. Williams, J. D. Butler, resident freeholders of the township of Arenac in the county of Arenac, Michigan; and M. T. Maxon, Henry Reid, Louis Souveying, Sylvester Richard, Charles Dougherty, A. Wheeler, John H. Elliot, John Halliday, W. A. Hill, Daniel Perrin, Chris Selle, Thomas Dougherty, James Grimore and Alfred Soper, resident freeholders of the township of Au Gres in said county, on the 21st day of November, A. D. 1885, gave notice that they would, on the 5th day of January, A. D. 1886, make application to the board of supervisors of said county, to detach the following described territory from the said township of Arenac and add the same to said township of Au Gres, to wit: Sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one, and thirty-two of town nineteen north, of range six east, and also all of fractional town eighteen north, of range six east, Arenac county, Michigan, from said township of Arenac, and attach the same to the said township of Au Gres; and

WHEREAS, Newton Weaver, George W. Brown, J. H. Harris, George Robinson, L. Johnson, Andrew Johnson, P. C. Perkins, Wm. Parker, M. Parker, Jessie Umstead, J. J. Moore, James H. Moore, Elijah Moore, William Huntley, Frank McAuley, George Carscallen and A. C. Monroe, resident freeholders of the township of Arenac, and John Halliday, M. T. Maxon, W. A. Hill, A. Wheeler, Henry Reid, John H. Elliott, Sylvester Richard, G. Prouly, E. G. Cole, Thomas Dougherty, Louis Souveying, Daniel Perrin, Chris Selle, and James Grimore, resident freeholders of the township of Au Gres in said county on the 5th day of January, A. D. 1886, made application to this board for detaching said described territory from said township of Arenac and attaching the same to said township of Au Gres, accompanied with due proof of their posting of notices in five public and conspicuous places in each of said townships, and of the publication of said notices as required by law, and that twelve of said signers to said notice and petition and application were and are resident freeholders of the township under which their names appear upon said notice and petition and application, with proof of the fact that the maps attached to said papers are true maps of the different townships to be affected by said alteration;

Petition granted in part.

Resolved, That the prayer of said petitioners be granted so far as relates to detaching sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one and thirty-two of town nineteen north, of range six east, from the township of Arenac and adding them to the township of Au Gres, Arenac county, and be denied in so far as asking for detaching all of fractional town eighteen north, of range six east, in said county from township of Arenac and adding the same to the township of Au Gres,

and it is hereby further ordered and determined by this board that said territory, to wit: Sections five, six, seven, eight, seventeen, eighteen, nineteen, twenty, twenty-nine, thirty, thirty-one and thirty-two of town nineteen north, of range six east, in said county, be and the same is hereby detached from the township of Arenac as prayed for in said petition, and that said fractional town eighteen north, of range six east, be not detached from said township of Arenac, but be left attached thereto. On adoption of this resolution yeas and nays called for.

Roll called: Supervisors E. Bradley, W. H. Bradley, Bullock Chamberlain, Davis and McDonell voting yea. None voting nay.
Resolution adopted by the majority of the supervisors elected.

STATE OF MICHIGAN, }
County of Arenac. } ss.

I, Fletcher E. Carscallen, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript carefully compared by me, from the original record of the proceedings of the board of supervisors of said county on the eighth day of January, in the year 1886, upon the application of Newton Weaver and other freeholders of the township of Arenac and John Halliday and other freeholders of the township of Au Gres, for detaching certain territory from the township of Arenac and attaching the same to the township of Au Gres, now remaining in my office, and of the whole of such original record.

And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
[L. S.] and affixed the seal of the circuit court for said county
this the 2d day of February, this A. D. 1886.

FLETCHER E. CARSCALLEN,
County Clerk.

In the matter of the application of certain freeholders for the erection and organization of a new township, to be known as the township of Turner, dated January.

By Supervisor Ed. Bradley;

WHEREAS, Robert McFarlin, Ernest Bergeron, Arthur Sergley, Levi Heacock, J. J. Kentz, J. H. Larkin, Thomas Dennis, William H. Wilson, Joseph Hewett, Jacob Seebach, Peter Seebach and C. F. Larkin, of the township of Au Gres in the county of Arenac, on the 16th day of November, 1885, gave notice that they would on the 5th day of January, 1886, make application to the board of supervisors of the county of Arenac for the organization of a new township out of said township of Au Gres, to be called the township of Turner; said new township to comprise and be composed of the following described territory, to-wit:

All of the town twenty north, of range six east, Arenac county, Michigan;

AND WHEREAS, Application has been made to this board for the organization of said new township of Turner out of said above territory, by Ernest Bergeron, C. F. Larkin, William T. Wilson, Robert McFarlin, Jacob Seebach, Thomas Dennis, Joseph Hewitt, Levi Heacock, Arthur Sergley, John H. Larkin and Peter Seebach, accompanied by due proof of the posting notices and their publication as required by law, and of the fact that all the signers to said notices are resident freeholders of said township of Au Gres;

Turner
organised.

Resolved, That the prayer of said petitioners be granted, and that a new township be and is hereby organized and formed out of said described territory, to-wit: All of town twenty north, of range six east, Arenac, Mich., and that said new township be called the township of Turner; and that John H. Larkin, Robert McFarlin and C. F. Larkin, three electors of said township of Au Gres, be and they are hereby appointed to preside at the first election to be held in said township for township officers, as an election board, and that said first election be held at the store of J. H. Larkin, in said township, at the time of holding the regular township election, April next, in this State.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to-wit: Supervisors Ed. Bradley, W. H. Bradley, John Bullock, Ed. H. Chamberlain, Jeroam Davis, Angus McDonnell voting yea. James Grimore voting nay.

NELSON DEFORD,
Chairman.

F. E. CARSCALLEN, *Clerk.*

STATE OF MICHIGAN, } ss.
County of Arenac. }

I, Fletcher E. Carscallen, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county on the 6th day of January, in the year 1886, upon application of Robert McFarlin and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
[L. S.] and affixed the seal of the circuit court for said county
this 18th day of January, A. D. 1886.

FLETCHER E. CARSCALLEN,
County Clerk.

BAY COUNTY.

In the matter of the application of certain freeholders for the organization of a new township to be known as the township of Garfield.

BAY COUNTY COURT HOUSE, }
Bay City, October 18, 1886. }

Board of supervisors met pursuant to adjournment.

Board called to order by the clerk. In the absence of the chairman (Ira E. Swart), Lucien L. Coman was chosen chairman *pro tem*.

The following supervisors answered to their names, viz.:

Supervisors Beard, Braman, Briske, Coman, Coons, Dardas, Eddy, Fischer, Green, Knodel, Lourim, Pacand, Pelkey, Phillips, Pratt, Puddy, Reichardt, Reilley, Schoof, Lyring, Thompson, Zayelmeyer—22.

Quorum present. Minutes of yesterday's meeting read and approved.

* * * * *

PETITION FOR A NEW TOWNSHIP TO BE CALLED GARFIELD.

To the Board of Supervisors of the County of Bay:

GENTLEMEN,—We, the undersigned freeholders of the township of Fraser, in the county of Bay, hereby respectfully pray that the following described territory, to wit: Township sixteen north, of range three east, in said Bay county, State of Michigan, may be detached from the said township of Fraser and erected into a new township, to be called the township of Garfield, in the county aforesaid.

And your petitioners herewith present a map of all the townships to be affected by the division prayed for, showing the proposed alterations of said townships.

Dated this 11th day of October, A. D. 1886.

(Signed),

ELOF L. JOHNSON,

And 27 others.

On motion, referred to committee on organization of townships.

* * * * *

On motion, the board adjourned till to-morrow, October 19th, 1886, at nine o'clock A. M.

IRA E. SWART, *Chairman.*

JOSIAH TIMMIS, *Deputy Clerk.*

BAY COUNTY COURT HOUSE, }
Bay City, October 19, 1886. }

Board of supervisors met pursuant to adjournment.

Ira E. Swart in the chair. Roll called.

The following supervisors answered to their names, viz.:

Supervisors Beard, Briskie, Coons, Dardas, Eddy, Endline, Fischer, Green, Knodel, Lourim, McGill, McLaughlin, Pelkey, Phillips, Pratt, Puddy, Reichardt, Reilley, Schmidt, Schoof, Lyring, Zayelmeyer—22.

Quorum present. Minutes of yesterday's meeting read and approved.

* * * * *

REPORT OF COMMITTEE ON ORGANIZATION OF TOWNSHIPS.

GENTLEMEN,—Your committee to whom was referred the petition of Elof L. Johnson and twenty-one other citizens of the township of Fraser, for the detachment of certain territory from said township of Fraser and the erection thereof into a new township, to be called the township of Garfield, would respectfully report that they have carefully considered said petition and would recommend that the prayer of the petitioners be granted and said township be organized, said township to contain the following territory, to wit: Township sixteen north, of range three east.

(Signed),

JOHN M. REICHARDT,
CHARLES FISCHER,
JOHN LOURIM,
FREDERICK SCHOOF,
JACOB DARDAS,

Committee.

Yeas and nays called for on the adoption of the report.

Yeas—Supervisors Beard, Eddy, Endline, Fischer, Lourim, McGill, McLaughlin, Pelkey, Phillips, Pratt, Puddy, Reichardt, Reilley, Schmidt, Schoof, Lyring, Weber, Zayelmeyer—18.

Nays—None.

Adopted by a majority of all the members elect.

By Mr. Fischer:

In the matter of the application of Elof L. Johnson, Valentine Knodel, Owen Hagen, James Potter, Samuel L. Bishop, Francis Gallagher, Urban Lewasseur, Paul Foeon, C. M. Senay, Joseph Lefevé, Gust Mentin and John B. Decaire and others.

WHEREAS, Application in writing has been made to the supervisors of Bay county, in the State of Michigan, by Elof L. Johnson and 21 others, freeholders of the township of Fraser, in said county of Bay, for the organization of a new township to compose all of town sixteen north, of range three east, in said county and State; and

WHEREAS, That notice of application, signed by said Elof L. Johnson and 25 others, resident freeholders of said township of Fraser, has been published and posted in the manner required by law, for four weeks immediately preceding the time of making said application, and a map of the townships affected by the organization or erection of such new township, showing the pro-

visors; therefore

Resolved, That the territory known and described as entire township sixteen (16) north, of range three (3) east, in said Bay county and State of Michigan, and now a part of the township of Fraser in said county and State, be and the same is hereby erected into a new township to be called and known as the township of Garfield; and be it further ^{Garfield organized.}

Resolved, That the first township meeting thereof shall be held at the residence of Charles Johnson, the same being in the north-east corner of said town sixteen north, of range three (3) east, on the first Monday of April, A. D. 1887, and Elof L. Johnson, Charles Johnson and Owen Hagen, three electors of said township, be and they are hereby designated as the persons who shall preside at such meeting, appoint a clerk, open and keep the polls and exercise the same power as the inspectors of election at any township meeting, and the said Owen Hagen is hereby appointed as the person to post the notices of such meeting as required by law.

On motion to adopt the resolution, the same was adopted unanimously by a majority of all the members elect.

* * * * *

On motion, the board adjourned till to-morrow, October 20th, at 9 o'clock A. M., A. D. 1886.

IRA E. SWART,
Chairman.

JOSIAH TIMMIS, *Deputy Clerk.*

STATE OF MICHIGAN, }
County of Bay. } ss.

I hereby certify that I have compared the foregoing matter of proceedings had by the board of supervisors of Bay county, State of Michigan, in organizing a new township called Garfield, in said county and State, from the original book of record of said board of supervisors in my office, and that the same are correct transcripts thereof, and of the whole of such matter pertaining to the organization of said township called Garfield.

In witness whereof I have hereunto set my hand and affixed the seal of the circuit court for the county of Bay, this

[L. s.] sixteenth day of November, in the year one thousand eight hundred and eighty-six.

WM. GAFFNEY,
County Clerk.

CHARLEVOIX COUNTY.

In the matter of the application of certain freeholders for the organization of a new township to be known as the township of Bay.

WHEREAS, An application has been duly made to the board of supervisors of the county of Charlevoix by A. J. Stroud, J. Carroll, Henry C. Helrigel, Edward Starmer, J. F. Crane, J. P. Biggs, J. S. Dilworth, Wm. H. Ohlee, S. L. Hicks, Isaac West, A. W. Olds, Willard Jenkins and thirty-seven others, all of whom are freeholders and at least 12 of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of the township to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted, therefore it is ordered and determined by the said board that the said territory described as follows, to wit: Commencing at Pine lake, between sections eight and seventeen in said township of Evangeline, thence running east on section line to the southeast corner of section eleven, in said township, thence running north between sections eleven and twelve of said township to Bear or Walloon lake, comprising all territory lying north and west of the above described line, namely, including sections three (3) and four (4), five (5), six (6), eight (8), nine (9), ten (10) and eleven (11) in township thirty-three (33) north, of range six (6) west, and sections nineteen (19), twenty (20), twenty-one (21), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty (30), thirty-one (31), thirty-two (32), thirty-three (33) and thirty-four (34), township thirty-four (34) north, of range six (6) west, be and the same are hereby erected and organized into a new township to be called and known as the township of Bay; that the first annual township meeting therein shall be held at Ohle's hall in the village of Horton's Bay, in said township, on Monday, the 2d day of April next, and A. J. Stroud, George Long and Fred Vanamburg, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Bay organized.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit:

Yeas—Supervisors Kilborn, Nelson, Pearson, Meech, Ava Smith, Helrigel, Fred Smith, McKibben, H. K. Smith, George Cooper, Harris, Ranney, Leveck, Hudkins.

Nays—None.

STATE OF MICHIGAN, }
County of Charlevoix, } ss.

I, Samuel B. Thatcher, clerk of said county, do hereby certify that the foregoing and within is a true transcript, compared by me with the original, now of record in the office of the clerk of

said county, as pertains to the organization of the township of Bay, at a meeting of the board of supervisors of said county held Oct. 13th, 1887.

In witness whereof I have hereunto set my hand and affixed
[L. s.] the seal of said county at the village of Boyne City,
this 19th day of October, A. D. 1887.

S. B. THATCHER,
County Clerk.

CHEBOYGAN COUNTY.

In the matter of the application of Charles Helmer, George Gregg, Daniel Bowen, Horace D. Graves, Dell Sabin, Charles Haskins and others, for the erection and organization of a new township to be known as the township of Forest.

Resolved, That in the matter of the application of certain freeholders for the erection of and creation of a new township:

WHEREAS, An application has been duly made to the board of supervisors of the county of Cheboygan by Charles Helmer, George Gregg, Daniel Bowen, Horace D. Graves, Dell Sabin, Charles Haskins, W. J. Leadbetter, Fremman Ross, John McPhearsen, Francis Welch, Isaac Vanloon, Cyrus Gregg, Walter L. Slocum, Daniel Welch, Alex Mitchel, William C. Wilks, John Brown, Frank Ford, Edwin Beebe, M. E. Rooney, Robert Burrows, Ransom Helmer, Joseph Passino, Moses Miller, Levi Wakeford, Frank Hatch, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization of a new township of the territory herein described; and the said board having been furnished with a map of all the townships to be affected hereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be affected thereby, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Therefore, it is ordered and determined by the said board that the territory described as follows, to-wit: Township number thirty-four (34) north, of range one (1) east, and township number thirty-three (33) north, of range one (1) east, be detached from the township of Ellis, and the same be and is hereby erected and organized into a new township, to be called and known as the township of Forest; that the first annual township meeting therein shall be held at the school-house in section number eight (8), in township number thirty-four (34) north, of range one (1) east, on Monday, the fourth day of April next; and

Forest
organized.

Horace D. Graves, John McPhearson and George Gregg, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the law of this State.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit:

Yeas—Supervisors Westgate, Cross, Sullivan, Heaphy, Beebe, Jarvis, Hammond, Eck, Young, McPhee, Smith, Stewart.

Nays—None.

STATE OF MICHIGAN, }
County of Cheboygan. } ss.

I, M. B. Champion, clerk of the county aforesaid, and clerk of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, with the record thereof in my office as clerk of said board, and that said copy is true; and I further certify that the foregoing order of said board was passed by them at their annual meeting continued and held at Cheboygan, in said county, on the 12th day of October, 1886, as appears by their record.

In witness whereof I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court of said county, this
31st day of May, 1887.

M. B. CHAMPION,
County Clerk.

CLARE COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Hamilton.

Harrison, Wednesday, Oct. 14, 1885.

The board of supervisors called to order at 8 o'clock A. M.

Roll called. Members all present.

Supervisor Rockafellow offered the following:

WHEREAS, An application has been duly made to the board of supervisors of the county of Clare by Patrick Casey, A. Grant, Alfred E. Newberry, John Quinn, H. Thompson, Ray D. Curtis, W. W. Weatherwax, W. Decker, Jos. Silverstein, J. H. Canfield, J. H. Richardson, Wm. Fagan, W. E. Green, Charles Boulter, Richard B. Stevens, P. E. Witherspoon, John A. McDonald, C. C. Nearing, James Somes, Sheldon Wood, Patrick Shea, Edward O'Leary, Patrick Conroy, W. H. Mosteller, A. J. Wykoff, Jerry Sullivan, John Shea, Nelson Hoisington, all of whom are freeholders, and twelve of whom reside in each of the townships to

be affected thereby, for the erection and organization into a new township of the territory hereinafter described.

And the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law.

And it also appearing to said board upon consideration thereof, that the said application ought to be granted.

Thereupon it is ordered and determined by said board that the territory described as follows, to wit:

Town nineteen (19) north, of range three (3) west, be and the same is hereby erected and organized into a new township to be called and known as the township of Hamilton.

Hamilton
organized.

That the first annual township meeting therein shall be held at the house of Charles Boulter on the first Monday in April next. That Charles Boulter, John A. McDonald, Sheldon Wood, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elect voting therefor, to wit:

Yeas—Supervisors Chapin, Doty, Hampton, Green, Mobie, McCracken, Purdy, Rockafellow, Wait, Williams—10.

Nays—None.

STATE OF MICHIGAN, }
Clare County. } ss.

I, W. E. Aldrich, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of record of the erecting and organization of a new township by the board of supervisors at their October, 1885, session, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and [L. S.] affixed the seal of said court at Harrison, this 9th day of January, A. D. 1886.

W. E. ALDRICH, *Clerk.*

In the matter of the application of certain freeholders for the erection and organization of a new township to be known as the township of Hatton.

Pursuant to adjournment, the board of supervisors of Clare county met at the court-house, in the village of Harrison, this

5th day of January, 1886, and was called to order by the chairman.

The roll being called by the clerk the following supervisors answered to their names: E. W. Chapin, Winterfield; A. E. Doty, Greenwood; John W. Hampton, Sheridan; Jonathan Green, Summerfield; C. L. Mabie, Franklin; George McCracken, Frost; Wm. F. Purdy, Arthur; J. C. Rockafellow, Grant; D. R. Wait, Surry; H. L. Williams, Hayes—10.

Supervisor Rockafellow offered the following:

WHEREAS, An application has been duly made to the board of supervisors of the county of Clare by B. F. Pickering, Seth Hunter, Philip McLeod, George Smith, John Ott, Milo Clinton, Jerry Hurley, J. Huffman, J. McComb, Milo Cookson, A. Lantzenheizer, John Gordon, John Swoverland, D. W. Coomer, Amos Spegilman, Ronald Ross, Donald Ross, Armstrong Allen, William Watson, John Cunningham, William Crawford, George S. McCreary, Alexander Lackey, Mathew Preston, W. A. Goodman, A. L. Howe, A. C. Gordonier, E. D. Swayze, A. Louch, G. H. Brown, J. B. Husted, Wm. Giberson, W. F. Keller, N. Bicknell, I. Feighner, T. P. Horning, John S. Evans, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization of a new township of the territory hereinafter described.

And the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the said application ought to be granted, thereupon it is ordered and determined by said board that the territory described as follows, to wit:

Hatton
organized.

Township number eighteen (18) north, of range four (4) west, be and the same is hereby erected and organized into a new township to be called and known as the township of Hatton.

That the first annual township meeting therein shall be held at the house of Philip McLeod, on section (22) twenty-two, on the first Monday in April next.

That Philip McLeod, John Gordon and Fred Clinton, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays as follows:

Yeas—Supervisors Chapin, Doty, Hampton, Green, Mabie, McCracken, Purdy, Rockafellow, Wait, Williams—10.

Nays—None.

State of Michigan, } ss.

Clare County.

I, W. E. Aldrich, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of record of the erecting and organization of a new township by the board of supervisors of Clare county at their January, 1886, session, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and [L. s.] affixed the seal of said court at Harrison, this 11th day of January, A. D. 1886.

W. E. ALDRICH, *Clerk.*

DELTA COUNTY.

In the matter of the application of certain freeholders to organize a new township to be known as the township of Minnewaska.

At the annual meeting of the Board of Supervisors of the county of Delta, continued and held in the court-house, in the city of Escanaba, on Thursday, the 13th day of October, A. D. 1887. The supervisors were all present except Messrs. Gelzer and Lathrop.

A petition was read from twelve freeholders of the township of Escanaba, praying the Board to organize the township of Minnewaska, said township to consist of that part of township No. 40 north, of range No. 22 west, lying west of Little Bay de Noquette, to which was attached the necessary map and affidavits. Petition for organization of Minnewaska.

Moved by Mr. Bissonette, seconded by Mr. Hutchins, that the petition be granted. Motion carried. Ayes unanimous. Petition granted.

Moved by Mr. Tracy, seconded by Mr. Ward, that E. V. White, J. J. Miller, and C. H. Scott be appointed inspectors of election, and that the first meeting of the township of Minnewaska, be held in the store of Aaron Miller, at Gladstone, on the third day of November, A. D., 1887. Motion carried.

ROBT. PEACOCK,
Chairman.

JOHN P. MCCALL, *Clerk.*

STATE OF MICHIGAN, }
County of Delta. } ss.

I, John P. McCall, clerk of the board of supervisors of Delta county aforesaid, do hereby certify that the above and foregoing is a true and compared copy of the resolutions passed by said

board in relation to the organization of the township of Minnawaska and a transcript of the whole of said resolutions.

In testimony whereof I have hereunto set my hand and
[L. S.] affixed the seal of said county, at the city of Escanaba,
this 26th day of October, A. D. 1887.

JOHN P. McCALL, *Clerk.*

GRAND TRAVERSE COUNTY.

In the matter of the application of certain freeholders for detaching the following territory hereinafter mentioned from the township of Garfield, and attaching the same to the township of Blair.

At the annual meeting of the board of supervisors for the county of Grand Traverse, continued and held at Traverse City, Michigan, on the 9th day of October, 1883:

Board met pursuant to adjournment.

Present—Messrs. Monroe, Pulcifer, Lancaster, Steward, Horton, Wightman, Ferris, Matchett, Whipple, Franklin, Campbell, Sours. Members all present.

WHEREAS, An application has been duly made to the board of supervisors of the county of Grand Traverse by Benjamin Hunter, D. Craft, Charles Jameson, William Rennie, F. Fronzholz, D. Norton, James K. Gunton, H. E. Steward, S. Gibson, John Rennie, Perry Gardner, J. G. Ramsdel and A. B. Crain, freeholders residing in the township of Garfield; and J. H. Monroe, C. F. Crawford, M. B. Jennings, H. W. Clyde, H. W. Case, Wm. Beitner, Geo. Simpson, N. Avery, J. Mang, R. Travis, G. W. Hargraves, D. Swainston, T. A. Monroe, C. R. Crain, Chas. H. Monroe, M. L. Monroe, C. Miner, L. R. Hill, J. Vanhyming, W. McKeague, J. Hunt, M. J. Clark, G. Clark and D. Frost, freeholders residing in the township of Blair; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the townships to be thereby affected, has been duly posted up and published in the manner and the time required by law; and it also appearing to said board upon consideration thereof, that the said application ought to be granted:

Thereupon it is ordered and determined by the said board that the territory described as follows, to wit: All of sections one and two; the east $\frac{1}{2}$ and the east $\frac{1}{2}$ of the northwest $\frac{1}{4}$ of section 3; all of section 12; east $\frac{1}{2}$ and northwest $\frac{1}{4}$, section 11; the north $\frac{1}{2}$ of section 13; all of which is in town twenty-six north, of range eleven west, be detached from the township of Garfield and attached to the township of Blair.

Territory
detached from
Garfield and
attached to
Blair.

Adopted by yeas and nays, a majority of the members elect voting therefor, to wit:

Yeas—Monroe, Pulciphier, Lancaster, Steward, Horton, Wightman, Ferris, Matchett, Whipple, Franklin, Campbell, Sours—12.
Nays—None.

O. P. CARVER, *Clerk.*

STATE OF MICHIGAN, }
Grand Traverse County. } ss.

I, O. P. Carver, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of supervisors' journal relating to the detaching certain territory from the township of Garfield and attaching the same to the township of Blair, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and [L. s.] affixed the seal of said court at Traverse City, this 16th day of April, A. D. 1887.

O. P. CARVER, *Clerk.*

In the matter of the application of certain freeholders for the detaching of territory from the township of Traverse, and attaching the same to the township of East Bay.

At the annual session of the board of supervisors for Grand Traverse county, continued and held at Traverse City, October 12, 1880, board met pursuant to adjournment. Roll call: quorum present.

WHEREAS, An application has been duly made to the board of supervisors of the county of Grand Traverse, by James H. Radcliffe, John P. Anderson, Philip Friger, Cyrenus M. Potter, William Eykey, Samuel Wood, Jr., John Birmley, I. G. Winnie, Geo. F. Steven, John T. Beadle, Perry Hannah, Mrs. J. F. Crego, William A. Chandler, William A. Chandler, Jr., freeholders of the township of Traverse, and W. S. Chandler, Wilford B. Harris, Francis H. Shober, Jesse Wells, J. B. Haviland, Andy Emburg, A. M. Smith, John Neilinger, Henry S. Carlisle, M. King, Clarence Welch, John Black and George Roush, freeholders of East Bay township; and said board having been furnished with a copy of townships to be affected thereby, and it appearing to said board by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of the townships to be affected thereby, has been duly posted and published in the manner, and during the time, required by law; and it also appearing to said board upon consideration thereof, that so much of the territory mentioned in said application as hereinafter described, ought to be detached from Traverse township and added to East Bay township:

Territory
detached from
Traverse and
attached to
East Bay.

Therefore, it is ordered and determined by this board that the territory described as follows, to-wit:

Sections one, two, three, four, five, north half of northeast quarter of section six, sections nine, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen of township twenty-six north, of range ten west, be and the same are hereby detached from said township of Traverse and attached to said township of East Bay.

Adopted by yeas and nays, a majority of all the members elect voting therefor as follows:

Yeas—Messrs. Monroe, Pulcifer, Lancaster, Whitman, Benjamin, Cronkhite, Carver, Reynolds, Campbell—9.

Nays—None.

J. B. HAVILAND, *Clerk.*

STATE OF MICHIGAN, } ss.
Grand Traverse County. }

I, O. P. Carver, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing copy of supervisors' journal, relating to the detaching of certain territory from the township of Traverse and attaching the same to the township of East Bay, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Traverse City, this 16th [L. s.] day of April, A. D. 1887.

O. P. CARVER, *Clerk.*

HOUGHTON COUNTY.

In the matter of the application of certain freeholders for the organization of a new township to be called the township of Laird.

At a meeting of the board of supervisors of the county of Houghton, in the State of Michigan, held at the court-house in the village of Houghton, in said county, on the 3d day of March, A. D. 1887, the following resolution was adopted, to-wit:

WHEREAS, An application has been duly made to the board of supervisors of the county of Houghton, by Henry Laird, Donald Grant, Jerry Sullivan, John Byrn, Osro S. King, Adelbert L. Ely, Timothy Sullivan, Robert Stiles, Edward Maloney, Patrick Maloney, Laughlin McDonald, Gilbert G. Grant, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said

be affected thereby; and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted;

Therefore, it is ordered and determined by the said board, that the territory described as follows, to-wit: Towns 47, 48, and 49 north, of range 37 west; towns 47, 48, 49 and 50 north, of range 36 west; the west half of towns 47, 48, 49 and 50 north, of range 35 west, town 51 north, of range 35 west, be and the same is hereby erected and organized into a new township to be called and known as the township of Laird; that the first annual meeting therein shall be held at Patrick Maloney's residence in said township, on Monday, the 4th day of April next, and Adelbert L. Ely, Donald Grant and Henry Laird, three of the electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State, and the place of holding the next annual election in said township of Portage, shall be at the village of Houghton, in said township. Adopted by ayes and nays as follows, a majority of all the members elected voting therefor, to-wit:

Ayes—John Duncan, William Tonkin, Michael Finn, Arno Jaehning, H. D. Wilson, John Daniell.

Nays—Supervisor Thomas W. Edwards.

STATE OF MICHIGAN, }
County of Houghton. } ss.

I, Peter Primeau, clerk of said county, and of the board of supervisors thereof, do hereby certify that the foregoing is a true and correct copy, compared by me, of a resolution passed and adopted by said board of supervisors on the 3d day of March, A. D. 1887, and the whole of such resolution.

In witness whereof I have hereunto set my hand and [L. s.] affixed the seal of the circuit court of said county, at Houghton, this 31st day of March, A. D. 1887.

PETER PRIMEAU, *Clerk.*

In the matter of the application of certain freeholders for the organization of a new township to be known as the township of Osceola.

The board of supervisors met at the court house, on Tuesday, August 10, 1886, pursuant to adjournment.

Present: John Duncan, chairman, Calumet township; Wm.

Tonkin, Adams township; Arno Jaehnig, Franklin township; Daniel Kloeckner, Quincy township.

The minutes of last meeting were read and on motion approved.

WHEREAS, Written application has been made to this board, signed by twelve freeholders residing in each of the townships of Calumet, Franklin and Schoolcraft, in the county of Houghton, praying that certain portions of said townships of Calumet, Franklin and Schoolcraft, containing lands a description of which is hereinafter fully set forth, be set off from and taken out of said townships of Calumet, Franklin and Schoolcraft, and be erected into a new township, to be called the township of Osceola; and

WHEREAS, It appears to the board by written proof, and by affidavit on file, that notice in writing of such intended application, subscribed by twelve freeholders of and residing in each of said townships of Calumet, Franklin and Schoolcraft, was duly posted, according to law, in five of the most public places in each of said townships four weeks and upwards next previous to this 10th day of August, 1886, being the day on which such application is presented to the board, and that a true copy of such notice has been published according to law, once in each week for four successive weeks and upwards, immediately preceding this meeting, in a newspaper printed and published weekly in said county of Houghton, called the Portage Lake Mining Gazette, the first publication being on the 8th day of July, 1886, and the last publication being on the 5th day of August, 1886; and said application for the erection of such new township now coming on duly to be heard, before the board on the day and at the time and place at which such application was noticed to be heard, as in and by said notice on file with the clerk of the board will appear:

Now, after hearing the reasons of such application, and the reasons against the same, and due consideration being had by the board thereupon, it is now resolved, pursuant to the statutes in such case made, as follows: That in accordance with the request of said application, this board having been furnished with a map of all the townships to be affected by the proposed division, showing the proposed alterations, said application be and the same is hereby granted; and that the following described territory, viz.: sections two (2), three (3), ten (10) and twenty-eight (28), in township fifty-five (55) north, of range thirty-three (33) west, being now part and parcel of the township of Franklin, in this county; and the following described territory, viz.: section eleven (11), fractional section thirteen (13), lying west of Torch lake, fractional section fourteen (14), sections fifteen (15) and twenty-two (22), fractional section twenty-three (23), lying west of Torch lake, fractional section twenty-six (26), lying west of Torch lake, fractional sections twenty-seven (27), thirty-three (33), and section thirty-four (34), in township fifty-five (55) north, of range thirty-three (33) west, being now part and parcel of the township of Schoolcraft, in this county; and the following described territory, viz.: the northeast quarter of the northeast quarter, the

southwest quarter of the northeast quarter, the northwest quarter of the southeast quarter, the south half of the southeast quarter, and the west half of section ten (10), the west half of section eleven (11), the west half of the southwest quarter of section fourteen (14), sections fifteen (15), twenty (20), and twenty-one (21), the west half of the west half of section twenty-two (22), and sections twenty-six (26), twenty-seven (27), twenty-eight (28), twenty-nine (29), thirty-two (32), thirty-three (33), thirty-four (34) and thirty-five (35), in township fifty-six (56) north, of range thirty-three (33) west, being now part and parcel of the township of Calumet in said county, be and the same is hereby erected and formed into a new township, in said county, to be designated and known by the name of the township of Osceola; that the first annual township meeting of said new township of Osceola be held at the office of the Osceola Consolidated Mining Company, at Opechee, in the territory hereinabove described, on the sixth day of September, 1886, at 9 o'clock in the forenoon, which meeting shall remain open according to law, and that the following persons, being electors of and residing in the territory above described, to wit: John Daniell, W. C. Watson and Henry Brett, be and they are hereby designated and named and charged with the duty of presiding at said first annual township meeting, of appointing a clerk of the meeting, and of opening and keeping the polls and exercising the same powers as inspectors of election at any township meeting; that notice of the time and place of such meeting, signed by the chairman or clerk of this board be posted in four of the most public places in the territory hereinabove described, and also in four of the most public places in these portions of each of said townships of Calumet, Franklin and Schoolcraft, outside of said above described territory, by the persons aforesaid designated to preside at such meeting, or by some person appointed by this board for that purpose, at least fourteen days before holding the same; that the first township meeting in and for each of the said townships of Calumet, Franklin and Schoolcraft, as they shall be after the separation from each thereof of the territory hereinbefore described, be and the same is hereby fixed to be held in each of said townships on the fourth day of April, 1887, at the place in each of said townships where the last annual meeting was holden, and at the time fixed by the general laws of this State for the holding of such annual township meeting; and that the said notice of the first annual meeting of the new township of Osceola shall state and set forth the places for holding the first township meetings of each of said townships of Calumet, Franklin and Schoolcraft.

Osceola
organised.

On motion the board adjourned without day.

JOHN DUNCAN,
Chairman.

THOS. D. MEADS, *Clerk.*

STATE OF MICHIGAN, }
 County of Houghton. } ss.

I, Thomas D. Meads, clerk of said county and of the board of supervisors thereof, do hereby certify that the annexed is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the tenth day of August, 1886, upon the application of John S. Dymock and others, for the erection and organization of a new township now remaining in my office, and of the whole of such original record.

In testimony whereof I have hereunto subscribed my name
 [L. S.] and affixed the seal of the circuit court for said county,
 this 20th day of September, 1886.

THOS. D. MEADS,
County Clerk.

In the matter of the application of certain freeholders for the organization of a new township, to be known as the township of Torch Lake.

A meeting of the board of supervisors was held at the courthouse, on Monday, July 16, A. D. 1886.

Present—John Duncan, chairman, Calumet township; William Tonkin, Adams township; Arno Jaehnig, Franklin township; A. J. Scott, Hancock township; T. W. Edwards, Portage township; Joseph Gregory, Schoolcraft township.

The minutes of the last meeting were read, and on motion corrected and approved.

The credentials of Samuel B. Harris, as supervisor *pro tem.* of Quincy township, were presented and read, and on motion he was duly sworn and admitted to a seat on the board.

WHEREAS, Written application has been made to this board, signed by twelve freeholders of the township of Schoolcraft, in the county of Houghton, residing in that part of the territory of said township not included within the territory sought to be set off from said township and erected into a new township, and by twelve freeholders of said township of Schoolcraft residing in that portion of its territory sought to be set off, praying that a certain portion of said township of Schoolcraft containing lands, a description of which is hereinafter fully set forth, be set off from and taken out of said township of schoolcraft and be erected into a new township, to be called the township of Torch Lake; and

WHEREAS, It appears to the board by written proof, and by affidavit on file, that notice in writing of such intended application, subscribed by twenty-four freeholders of said township, twelve of whom reside in that portion of said township sought to be set off, and twelve of whom reside in that portion of said township not sought to be set off, was duly posted

according to law in five of the most public places in that portion of said township sought to be set off, and in five of the most public places in that portion of said township not sought to be set off, four weeks and upwards next previous to this day when such application is presented to the board, and that a true copy of such notice has been published according to law once in each week for four successive weeks and upwards immediately preceding this meeting of the board, in a newspaper printed and published weekly in said township of Schoolcraft, in said county of Houghton, called the Torch Lake Times, the first publication being on the fifteenth day of June, 1886, and the last publication being on the thirteenth day of July, 1886; and said application for the erection of such new township now coming on duly to be heard before the board on the day and at the time and place at which such application was noticed to be heard, as in and by said notice on file with the clerk of the board will appear:

Now, after hearing the reasons of such application, and the reasons against the same, and due consideration being had by the board thereupon, it is now resolved, pursuant to the statutes in such case made, as follows: That in accordance with the request of said application, this board having been furnished with a map of all the townships to be affected by the proposed division, showing the proposed alterations, said application be and the same is hereby granted; and that the following described territory, being now part and parcel of the township of Schoolcraft, in this county, be and the same is hereby erected and formed into a new township in said county, to be designated and known by the name of the township of Torch Lake; that the first annual township meeting of said new township of Torch Lake be held at the warehouse of the Calumet and Hecla Mining Company, in the said territory hereinafter described, on the 16th day of August, 1886, at 9 o'clock in the forenoon, and shall remain open according to law in such case made, and that the following persons residing in the territory hereinafter described, to wit: Frederick G. Coggin, Philip H. Payne and Norbert Sarazin, be and they are hereby designated and named (they being electors of said township of Schoolcraft) and charged with the duty of presiding at said first annual township meeting, of appointing a clerk of the meeting, and of opening and keeping the polls and exercising the same powers as inspectors of election at any township meeting; that notice of the time and place of such meeting, signed by the chairman or clerk of this board, be posted in four of the most prominent public places in the territory hereinafter described, and in four of the most public places in that portion of the township of Schoolcraft exclusive of the territory hereinafter described, by the person aforesaid designated to preside at such meeting, or by some person appointed by this board for that purpose, at least fourteen days before holding the same; that the first township meeting in and for the township of Schoolcraft, as the same shall be after the separation from it of the

Torch Lake
organized.

territory hereinafter described, be and the same is hereby fixed to be held on the fourth day of April, 1887, at the place in said township of Schoolcraft where the last annual meeting was holden, and at the time fixed by the general laws of this State for the holding of the annual township meeting; and that the notice of the first annual meeting of the new township of Torch Lake state and set forth the place for holding the first township meeting of the township of Schoolcraft hereinbefore described.

The following is a description of the territory which shall compose the territory of the new township of Torch Lake, to wit: Commencing at the northeast corner of lot 4, section 6, town 55 north, range 32 west; thence due west to the center line of section 1, town 55 north, range 33 west; thence south to the quarter section post between sections 1 and 12, town 55 north, range 33 west; thence west to the section corner 1, 2, 11 and 12, town 55 north, range 33 west; thence south to the section corner at 11, 12, 13 and 14, town 55 north, range 33 west; thence east to the shore of Torch Lake; thence northeasterly along said shore to the intersection of the township line west of range 32 with said shore; thence south to the meander post marking the intersection of said township line with the south shore of Torch Lake, at the northeast corner of lot 1, section 24, town 55 north, range 33 west; thence westerly and southwesterly along the shore of Torch Lake to the meander post marking the intersection of the east boundary of section 34, town 55 north, range 33 west with Torch Lake; thence south to the section corner at the southeast corner of section 34, town 55 north, range 33 west; thence west along the township line to the shore of Portage Lake; thence southerly and along the shores of the various waterways that form a portion of the present boundaries of Schoolcraft township, to the northeast corner of lot 1, section 16, town 55 north, range 31 west; thence west to the northwest corner of lot 1, section 17, town 55 north, range 32 west; thence in a direct line to the place of beginning. Said boundaries aforesaid containing the following described lands, to wit: All that part of the township of Schoolcraft described as follows, to wit: Entire fractional township 54 north of range 31 west; fractional sections 16, 17, 18, 19, 20, 21, 28, 29, 30 and 31 in township 55 north, of range 31 west; entire fractional township 53 north, of range 32 west; entire fractional township 54 north, of range 32 west; lot 4, the southeast quarter of the southwest quarter and the southwest quarter of the southwest quarter of section 6, fractional section 7, sections 13, 14, 15, 16, fractional sections 17, 18, 19, sections 20, 21, 22, 23, 24, 25, 26, 27, 28, fractional sections 29, 30, 31, 32, and sections 33, 34, 35 and 36 in township 55 north of range 32 west; section 1, the northeast quarter, the north half of the northwest quarter, the southeast quarter of the northwest quarter, and lots 3, 4, 5, 6 and 7 of fractional section 2, lots 1 and 3 of fractional section 3, lot 1 of fractional section 11, the northeast quarter, the east half of the northwest quarter, the northwest quarter of the northwest quarter, the north half of the south-

east quarter, and lots 1, 2, 3, 4, and 5 of fractional section 12, lots 1, 2, 3, 6 and 7, of fractional section 13, and lots 1 and 2 of fractional section 24 in township 53 north of range 33 west; sections 1, 2, 3, fractional sections 4, 9, 10, 11, 12, 13, 14, 22, 23, sections 24, 25, 26, fractional section 27, lots 1, 2, 3 and 4 of fractional section 34, and sections 35 and 36 in township 54 north of range 33 west; the south half of the southeast quarter of section 1; fractional section 12, lot 4 of fractional section 13, lot 5 of fractional section 23, fractional section 24, section 25, lots 1, 2, 3 and 4 and northeast quarter of southeast quarter and south half of southeast quarter of fractional section 26, and sections 35 and 36 in township 55 north of range 33 west.

On motion the board adjourned until Tuesday, August 10, 1886, at 10 o'clock A. M.

JOHN DUNCAN,
Chairman.

THOS. D. MEADS, *Clerk.*

STATE OF MICHIGAN, }
County of Houghton. } ss.

I, Thomas D. Meads, clerk of said county and of the board of supervisors thereof, do hereby certify that the annexed is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the sixteenth day of July, A. D. 1886, upon the application of Joseph Gregory, Louis Deschamps and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

In testimony whereof I have hereunto subscribed my name
[L. S.] and affixed the seal of the circuit court for said county
this 20th day of September, A. D. 1886.

THOMAS D. MEADS,
County Clerk.

IOSCO COUNTY.

In the matter of an application of certain freeholders to the board of supervisors of Iosco county, for detaching certain territory from the township of Alabaster and attaching the same to the township of Tawas.

The committee on towns and villages submit the following report:

In the matter of application of certain citizens in the township of Alabaster, to set off a portion of said township and attach the same to the township of Tawas, have had the same under consideration, and would respectfully report to this board of supervisors

that the same be complied with partially, to wit: That the territory detached shall only consist of the following described land, to wit: The northeast quarter of section 2, the west half of section 2, entire section 3, entire section 4, entire section 5, entire section 6, all in town 21 north, of range 7 east; and the same to be detached from the township of Alabaster and attached to the township of Tawas.

BENJ F. SMITH,
S. M. DILLABOUGH,
THOMAS O'BRIEN,
Committee.

Report was, by vote of the board, accepted.

The following resolution was, on motion of Supervisor Zeiter, adopted by yeas and nays, viz:

Territory
detached from
Alabaster and
attached to
Tawas.

Resolved, That all that portion of the township of Alabaster comprised within the following description of land, to wit: The northeast quarter of section 2, the west half of section 2, entire section 3, entire section 4, entire section 5, entire section 6, all in town 21 north, of range 7 east, the same be and is hereby detached from said township of Alabaster and attached to the township of Tawas.

The following being the vote, viz:

Yeas—Supervisors Smith, Merrick, Duplanty, Latham, Henegar, Esmond, Dillabough, O'Brien, Zeiter, Thompson and Laidlaw.

Nays—None.

STATE OF MICHIGAN, }
County of Iosco. } ss.

I, E. E. Williams, clerk of said county and of the circuit court thereof, a court of record, do hereby certify that I have compared the foregoing and attached printed slip, a copy of report of committee and resolution adopted by the board of supervisor of Iosco county, on the 13th day of Oct. 1886, with the original record thereof now remaining in the office of the county clerk of said county, and have found the same to be a correct transcript therefrom, and the whole of such original record.

In testimony whereof, I have hereunto set my hand and [L. S.] affixed the seal of said court at Tawas City, this 25th of October, A. D. 1886.

E. E. WILLIAMS, *Clerk.*

IRON COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township, to be called the township of Stambaugh.

At a meeting of the board of supervisors of said county, held in the village of Iron River, on the 14th day of June, A. D. 1886:

WHEREAS, An application has been duly made to the board of supervisors of the county of Iron, by W. T. Carpenter, Thomas Larson, B. H. Riebel, John Farley, W. H. Selden, C. T. Brown, J. F. Corcoran, J. P. Conlin, M. Corcoran, E. C. Hoagland, John Corcoran, Ole Manson, G. W. Thomas, Jacob Ottenberger, Jos. Vulker, Thomas H. Flannagan, Charles Riebel, L. S. Hitchcock, Andrew Young, A. C. Nooman, Herman Sanders, Alexander Morrison, William Nesbit, W. J. Brown, S. C. Johnson, Dr. D. M. Bond, Max Krier, H. G. Odell, C. J. Lindstrom, John Morrison, J. S. McLean, Martin Bies, James Williams, J. Frederick, N. Gilman, John O. Westerberg, George M. Buckley, John Sacri-son, Henry Reynolds, Axel Peterson, George A. Hamilton, C. McDermott, all of Iron River township, and J. I. Kenney, M. J. Rydberg, James Farley, Edward Rydberg, Lorenzo A. DeGrass, I. Gramberg, Swen Johnson, A. G. Erickson, Thomas Shepherd, Ole Benson, Con Ryan, Peter Sjoquist, Theophilus Bodwa, P. W. Nordin, Peter Michaels, Carl J. Gustafson, A. Linder, August Krauz, Erick Anderson, John E. Nelson, C. J. Fosbury, Charles Sodenberg, Nels Hanson, Charles Langendorph, Henry Ling, all of Bates township, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of each of the townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the application ought to be granted:

Thereupon, it is ordered and determined by the said board, that the territory described as follows, to-wit: Fractional township forty-two (42), range thirty-four (34) west; sections thirty-one (31), thirty-two (32), and thirty-three (33), of township forty-three (43), range thirty-four (34) west; fractional township forty-two (42), range thirty-five (35) west; Sections thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36), of township forty-three (43), range thirty-five (35) west; fractional township forty-two (42), range thirty-six (36) west; sections thirty-one (31), thirty-two (32), thirty-three (33), thirty-four (34), thirty-five (35) and thirty-six (36) of township forty-three (43), range thirty-six (36) west; fractional township forty-two (42), range thirty-seven (37) west; fractional

Stambaugh
organized.

township forty-three (43), range thirty-seven (37) west ; be and the same is hereby erected and organized into a new township, to be called and known as the township of Stambaugh ; that the first township meeting therein shall be held at the office of Dr. W. T. Carpenter, in the village of Stambaugh, on Monday, July 12th, 1886, and W. T. Carpenter, James T. Corcoran and Robert Barclay, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Unanimously adopted by yeas and nays, all the members elected voting therefor, to-wit:

Ayes—Charles Olson, C. T. Roberts, L. A. Fredericks, Otto F. Riebel, Frank Scadden—5.

Nays—None.

STATE OF MICHIGAN, } ss.
County of Iron.

I, S. D. Hollister, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me, from the original record of the proceedings of the board of supervisors of said county, on the 14th day of June, in the year 1886, upon the application of W. T. Carpenter and others, for the erection and organization of a new township, now remaining in my office, and of the whole of such original record ; and I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
[L. s.] and affixed the seal of the circuit court for said county
this 26th day of June, A. D. 1886.

S. D. HOLLISTER,
County Clerk.

MACKINAC COUNTY.

In the matter of the petition of W. F. Wise and others for the organization of a new township to be known as the township of Marquette.

Resolved, That the prayer of the petitioners be granted and that the following order be entered:

In the matter of the application of certain freeholders for the erection and organization of a new township.

WHEREAS, An application has been duly made to the board of supervisors of the county of Mackinac by W. F. Wise, Hugh

Blair, Thomas Williams, Henry Garb, William Waybrant, James Wilson, M. Larkins, John Hillock, William Young, Henry Cottle, George Blair, William Hemerson, Richard Smith, H. Waybrant, William J. Blair, Robert Beacom, David H. Beacom, Edwin J. Wilson, George Leach, William Blair, Sr., John Morley, Peter Smith, W. Denny, J. Slator, J. T. Gusgins, James Rye, James Sterling, Charles Cowell, Sandy Montgomery and James Gough, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted:

Thereupon it is ordered and determined by the said board that the territory described as follows, to wit: Town 41 north, of range 1 west; town 41 north, of range 1 east; town 41 north, of range 2 east; town 42 north, of range 1 west; town 42 north, of range 1 east; town 43 north, of range 1 west; town 42 north, of range 2 west; town 41 north, of range 2 west; town 43 north, of range 2 west; except that portion of St Martin's island in town 41 north, of range 2 west; be and the same is hereby erected and organized into a new township to be called and known as the township of Marquette; that the first annual township meeting therein shall be held at the residence of Henry Garb, on Monday, the first Monday of April next, and Henry Garb, Hugh Blair and William Waybrant, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Marquette
organized.

On motion of Supervisor Gallagher:

That the resolution be amended so as to leave all territory east of 2 west, that is to strike off town 41, 2 w., 42, 2 w., and 43, 2 w.,

The chair decided the motion of Supervisor Gallagher out of order, whereupon Supervisor Gallagher appealed to the board. The board by the following votes sustained the ruling of the chair:

Yeas—Supervisors Hulbert, Murray, Bettis, Douglas, Pemble, Grondin and Lock—7.

Nays—Supervisors Gallagher, Dolan, Sullivan and Newton—4.

The resolution for the erection of Marquette township was taken up and voted upon, which was adopted as follows:

Yeas—Supervisors Hulbert, Murray, Bettis, Douglas, Pemble, Lock and Grondin—7.

Nays—Supervisors Dolan, Gallagher, Sullivan and Newton—4.

STATE OF MICHIGAN, }
 County of Mackinac. } ss.

I, M. Hoban, deputy clerk of said county and of the board of supervisors, do hereby certify that the foregoing is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the 2d day of February, A. D. 1886, upon the application of W. F. Wise and others for the erection and organization of a new township, now remaining in my office, and of the whole of such original record; and I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my name
 [L. S.] and affixed the seal of the circuit court for said county,
 this the 11th day of February, 1886.

M. HOBAN,
Deputy County Clerk.

MARQUETTE COUNTY.

In the matter of the application of certain freeholders for the organization of a new township to be known as the township of Turin.

At a meeting of the board of supervisors of Marquette county, held at the court-house in the city of Marquette in said county, pursuant to adjournment, on Thursday the twenty-ninth day of March, A. D. one thousand eight hundred and eighty-four:

The meeting was called to order by the chairman and the roll called by the clerk, more than two-thirds of the members elect answering to their names.

The petition of George Berringer and twenty others in due form of law, asking for the erection of a new township out of territory now included in the townships of Forsyth and Chocelay, and to be called the township of Turin, was, on motion, referred to a committee of three consisting of Supervisors Stevens, Kirkpatrick and Warner, with instructions to report at the present meeting.

Turin
 organised.

To the Board of Supervisors of Marquette County, Mich.:

GENTLEMEN—Your special committee instructed to consider and report upon the petition of George Berringer and others, citizens and freeholders of the townships of Chocelay and Forsyth, praying that towns forty-two, forty-three and forty-four north, of range twenty-three west, of the township of Forsyth, and forty-four north, of range twenty-three west, of the township of Chocelay, be set off from the said townships of Chocelay and

Forsyth, and out of the territory set off to create a new township to be called the township of Turin, beg leave to report that they have given careful consideration to the matter and recommend that the petition be granted; and your committee ask to be discharged from further consideration of the subject.

Marquette, March, 27, 1884.

J. F. STEVENS,
JOS. KIRKPATRICK,
H. E. WARNER.

On motion the above report was accepted and adopted by yeas and nays as follows:

Yeas—Bertrand, Blackmy, Christopher, Connors, Donahor, Doty, Foard, Hibbard, Howard, Maithland, Krier, Kirkpatrick, Palmer, Maas, Morrison, Pascoe, Ready, Sipchrer, Smith, Stevens, Tipping, Warner, and chairman.

Nays—None.

STATE OF MICHIGAN, } ss.
County of Marquette.

I, Gad Smith, clerk of said county, do hereby certify that the within and foregoing constitutes a true copy of the proceedings of the board of supervisors of said county to erect the township of Forsyth, that I have carefully compared the same with the original thereof now remaining in my office, that it is a correct transcript therefrom, and of the whole of such original.

In witness whereof I have hereunto set my hand and
[L. s.] affixed the seal of said county this fourth day of June,
A. D. 1887.

GAD SMITH, *Clerk.*

MONTMORENCY COUNTY.

In the matter of the application of J. H. Stevens and twenty-three others, all resident freeholders of the townships of Rust and Montmorency, Montmorency county, Michigan, for the erection and organization of a new township, to be known as the township of Hillman.

WHEREAS, An application in writing has been made to the board of supervisors of the county of Montmorency, State of Michigan, by J. H. Stevens and twenty-three others, all resident freeholders of the townships of Rust and Montmorency, in said county, for the erection and organization of the territory comprising town thirty north, of range three east; town thirty-one north, of range three east, and town thirty-one north, of range four east, State of Michigan, into a new township to be known as the township of Hillman, said territory being now a part of the townships of Rust and Montmorency, in said county; and

WHEREAS, All of the said freeholders whose names are attached to said application, reside in the townships to be affected by such organization and erection into a new township, and that the said board of supervisors having been furnished with a map of the townships to be affected thereby, showing the proposed alterations, and it appearing to said board by due proof that notice in writing of such intended application, signed by said freeholders, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof, that the said application ought to be granted :

Therefore it is ordered and determined by the said board that the territory described as follows, to wit :

Town thirty north, of range three east; town thirty-one north, of range three east, and town thirty-one north, of range four east, State of Michigan, be and the same is hereby erected and organized into a new township to be called and known as the township of Hillman.

Hillman
organized.

And that the first annual township meeting therein shall be held in Robert Mathew's store, village of Hillman, on the first Monday of April, 1886, and C. W. Mack, A. F. G. Babcock and La Forest Bean, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State; and said above last named persons shall also constitute a board of registration of such township on said first election, to meet at Robert Mathew's store in the village of Hillman, the Saturday preceding said election, and that La Forest Bean post the notices of the time and place of holding such meeting. The first township meeting to be held in the township of Rust, shall be held at the Farrier school-house, and that Robert Kincaid post the notices of the time and place of holding such meeting.

Adopted by yeas and nays as follows, all the members elected voting therefor, to wit:

Ayes—Supervisors Proctor, Powell, Kincaid and the chairman.

Nays—None.

STATE OF MICHIGAN, }
County of Montmorency. } ss.

I, John C. Adams, clerk of the county aforesaid and of the board of supervisors of said county, do hereby certify that the foregoing is a true and correct statement of the action of said board on the matters therein contained, and that the same has been compared by me with the original acts on file in my office, and that it is a true and correct transcript therefrom, and of the whole of said original act; and I further certify that the foregoing order of said board was passed by them at a meeting held at the village of Hillman, in said county, on the 23d day of October, A. D. 1885, as appears by this record.

In testimony whereof, I have hereunto set my hand and
[L. S.] affixed the seal of the circuit court for said county,
this 16th day of March, A. D. 1886.

JOHN C. ADAMS,
County Clerk.

In the matter of the application of Peter M. Becket and thirty-six others, all resident freeholders of the townships of Briley and Montmorency, Montmorency county, Michigan, for the erection and organization of a new township to be known as the township of Wheatfield.

WHEREAS, An application in writing has been made to the board of supervisors of the county of Montmorency, State of Michigan, by Peter M. Becket and thirty-six others, resident freeholders of the townships of Briley and Montmorency in said county, for the organization and erection of the territory comprising town thirty-one north, of range one east, the north half of town thirty north, of range one east, State of Michigan, into a new township to be known as the township of Wheatfield, said territory being now a part of the townships of Briley and Montmorency in said county; and

WHEREAS, All of said freeholders whose names are attached to said application reside in the townships to be affected by such organization and erection into a new township, and that the said board of supervisors having been furnished with a map of the townships to be affected thereby, showing the proposed alteration, and it appearing to said board by due proof that notice in writing of such intended application, signed by said freeholders, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board upon consideration thereof that the said application ought to be granted:

Therefore it is ordered and determined by the said board that the territory described as follows, to wit: Town thirty-one north, of range one east, and the north half of town thirty north, of range one east, State of Michigan, be and the same is hereby erected and organized into a new township to be called and known as the township of Wheatfield. That the first annual township meeting therein shall be held in the Willyard school-house, on the first Monday of April, A. D. 1886, and John A. Jones, Joseph Wallington and Lemuel Plumley, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State, and said above last named persons shall also constitute a board of registration of such township on said first election, to meet at the Willyard school-house the Saturday preceding said election,

Wheatfield
organized.

and that John H. Parks post the notices of the time and place of holding such meeting. The first township meeting to be held in the township of Briley shall be held at the school-house at the village of Atlanta, and that Peter Boner post the notices of the time and place of holding such meeting. The first township meeting to be held in the township of Montmorency shall be held at the Green school-house, and that Tillison Babcock post the notices of the time and place of holding such meeting.

Adopted by yeas and nays as follows, all the members elected voting therefor, to wit:

Yeas—Supervisors Proctor, Powell, Kincaid, and the chairman.

Nays—none.

STATE OF MICHIGAN, }
County of Montmorency. } ss.

I, John C. Adams, clerk of the county aforesaid and of the board of supervisors of said county, do hereby certify that the foregoing is a true and correct statement of the action of said board on the matters therein contained, and that the same has been compared by me with the original acts on file in my office, and that it is a true and correct transcript therefrom, and of the whole of said original act; and I further certify that the foregoing order of said board was passed by them at a meeting held at the village of Hillman in said county, on the 23d day of October, A. D. 1885, as appears by their record.

In testimony whereof I have hereunto set my hand and [L. S.] affixed the seal of the circuit court for said county, this 16th day of March, A. D. 1886.

JOHN C. ADAMS,
County Clerk.

OGEMAW COUNTY.

In the matter of the application of certain freeholders for the erection and organization of a new township, to be known as the township of Logan.

Report of standing committee on organization of townships:

To the Board of Supervisors of Ogemaw county.

GENTLEMEN—Your committee on organization of townships, to whom was referred the application of E. M. Burt and sixteen other freeholders of the township of Churchill, asking that town 22 north, of range 4 east, be organized into a new township, do recommend that said application be granted and submit the following preamble and resolution to the board and ask that it be adopted:

WHEREAS, An application has been duly made to the board of supervisors of the county of Ogemaw by E. M. Burt, John W.

Parliament, John H. Lee, Neil McLean, William Emes, James Parliament, John Fitchett, Stephen Weeks, John Rowdon, Philip Blancher, Joseph Parliament, J. P. Benjamin, Albert Withey, P. Perkins, I. H. Jones, P. H. Goodwin and E. Root, at least twelve of whom are freeholders and all of whom reside in the township to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby; and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township to be affected thereby, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted:

Therefore, it is ordered and determined by the said board that the territory described as follows, to-wit: Town twenty-two (22) north, of range four (4) east, be and the same is hereby erected and organized into a new township, to be called and known as the township of Logan; that the first annual township meeting therein shall be held at the house of Charles M. Withey on n w $\frac{1}{4}$ of n w $\frac{1}{4}$ of section 7, in said township, on Monday the fourth day of April next, and that Charles M. Withey, Joseph Williams and John Blue, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

All of which is respectfully submitted.

Dated January 10, 1887.

JOHN O'CONNOR,
D. W. BENJAMIN,
DECATER A. NEAL,
Committee.

The foregoing report was accepted and adopted by the following vote:

Ayes—Benjamin, Decker, Dings, Gregg, Klacking, Neal, O'Connor, Quackenbush, Regan, Thomas and Cumming—11.

Nays—None.

Absent—Supervisors Dinsmoor, Redman, and White.

STATE OF MICHIGAN, }
County of Ogemaw. } ss.

I, Thomas W. Ballantine, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a true copy of a committee report adopted by the board of supervisors of said county at their adjourned regular session held in January, 1887. That I have compared the same with the original record thereof now in my office; that it is a true transcript therefrom and of the whole of said original record.

In testimony whereof I have hereunto set my hand and
 [L. s.] affixed the seal of the circuit court for said county, at
 West Branch, this 31st day of January, A. D. 1887.
 THOS. W. BALLANTINE,
County Clerk.

ONTONAGON COUNTY.

ORGANIZATION OF IRONWOOD TOWNSHIP.

In the matter of the application of certain freeholders for the erection and organization of a new township, to be known as the township of Ironwood.

WHEREAS, An application has been duly made to the board of supervisors of the county of Ontonagon, by Elisha Juneau, J. A. Johnson, Geo. Sutherland, H. W. Godfrey, Joseph Dorrian, T. J. Campbell, Ralph Allen, A. Nitteburg, J. H. D. Stephens, Wm. Trebilcock, Felix Beaudois, Thomas Hartigan, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described; and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board by due proof that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law, and it also appearing to said board, upon consideration thereof, that the said application ought to be granted:

Thereupon it is ordered and determined by the said board, that the territory described as follows, to wit: All of fractional township forty-eight (48) north, range forty-nine (49) west; all of fractional townships forty-seven (47) and forty-eight (48) north, range forty-eight (48) west; all of township forty-eight (48) and fractional township forty-six (46) and forty-seven (47) north, range forty-seven (47) west; all of township forty-eight (48) north, range forty-six (46) west; all of township forty-six (46) north, range forty-six (46) west, and all of fractional township forty-five (45) north, range forty-six (46) west, be and the same is hereby erected and organized into a new township to be called and known as the township of Ironwood; that the first annual township meeting therein shall be held at the office of the Webb House, in the village of Ironwood, on Monday, the fourth day of January, A. D. 1886, and M. J. Vrooman, Joseph Dornan and Fred. M. Prescott, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the

Ironwood
organized.

inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to wit:

Yeas—Messrs. T. H. Emmons, B. F. Chynoweth, J. Trevarrow, D. Beaser and J. M. Meagher.

Nays—None.

STATE OF MICHIGAN, } ss.
County of Ontonagon. }

I, M. A. Powers, clerk of said county and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of a resolution adopted by said board on the eleventh day of December, eighteen hundred and eighty-five, with the original now of record in my office, and that it is a true transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and [L. S.] affixed the seal of the circuit court for said county at Ontonagon this eleventh day of December, A. D. one thousand eight hundred and eighty-five.

M. A. POWERS, *Clerk.*

In the matter of the application of certain freeholders for the erection and organization of a new township, to be known as the township of Wakefield.

WHEREAS, An application has been duly made to the board of supervisors of the county of Ontonagon, by A. J. Hayward, M. Wescott, Mike Day, Pat Day, Pat Madden, G. F. Gage, James Raizon, Wm. Frank, Wm. McGrath, A. M. Tollefson, R. A. Harris, John McDonald, H. D. Miner, A. C. Smith, John Horn and John Tobin, all of whom are freeholders, and twelve of whom reside in each of the townships to be affected thereby, for the erection and organization into a new township of the territory hereinafter described, and the said board having been furnished with a map of all the townships to be affected thereby, and it appearing to said board, by due proof, that notice in writing of such intended application, signed by at least twelve freeholders of the township or townships to be thereby affected, has been duly posted up and published in the manner and during the time required by law; and it also appearing to said board, upon consideration thereof, that the said application ought to be granted:

Thereupon it is ordered and determined by the said board, that the territory described as follows, to wit:

All of township forty-eight (48) north, range forty-three (43) west; township forty-eight (48) north, range forty-four (44) west; township forty-eight (48) north, range forty-five (45) west; township forty-seven (47) north, range forty-three (43); township forty-seven (47) north, range forty-four (44) west, and sections

Wakefield
organised.

one (1), two (2), three (3), four (4), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), thirteen (13), fourteen (14), fifteen (15), sixteen (16), seventeen (17), eighteen (18), nineteen (19), twenty (20), twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), of township forty-seven (47) north, range forty-five (45) west, be and the same is hereby erected and organized into a new township, to be called and known as the township of Wakefield; that the first annual township meeting therein shall be held at the store of Hayward & Wescott, in the village of Wakefield, on Monday, the fourth day of October, A. D. 1886, and A. J. Hayward, G. F. Gage and R. A. Harris, three electors of such township, are hereby designated as the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and to exercise the same powers as the inspectors of any township meeting may exercise under the laws of this State.

Adopted by yeas and nays, a majority of all the members elected voting therefor, to wit :

Yeas—Messrs. B. F. Chynoweth, J. Trevarrow, J. Sellwood, W. L. Pierce, and D. Beaser.

Nays—None.

STATE OF MICHIGAN, }
County of Ontonagon. } ss.

I, M. A. Powers, clerk of said county and of the board of supervisors thereof, do hereby certify that the foregoing is a correct transcript, carefully compared by me from the original record of the proceedings of the board of supervisors of said county, on the fourteenth day of September, in the year one thousand eight hundred and eighty-six, upon the application of A. J. Hayward, and others, for the erection and organization of a new township, now remaining in my office, and of the whole of such original record.

And I further certify that the annexed is a true and correct copy of the map presented to said board on the said application.

In testimony whereof I have hereunto subscribed my
[L. s.] name, and affixed the seal of the circuit court for said county, this fifteenth day of September, A. D. 1886.

M. A. POWERS,
County Clerk.

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